











# CONTENTS

---

HISTORY OF LAW IN ILLINOIS	<i>Joseph J. Thompson</i> 99
THE UNIFICATION OF THE URSULINES	<i>S. M. M.</i> 134
HISTORIC OLD SHANTYTOWN	<i>Anon.</i> 140
FATHER MARQUETTE'S SECOND JOURNEY TO ILLINOIS	<i>Joseph J. Thompson</i> 144
THE CATHOLIC CLERGY IN ILLINOIS	<i>Joseph J. Thompson</i> 155
EDITORIAL COMMENT . . . . .	164
GLEANINGS FROM CURRENT PERIODICALS	<i>Rev. Paul J. Foik</i> 170
SAINTS OF SPECIAL HONOR IN CALIFORNIA	<i>William Stetson Merrill</i> 172
AN EARLY EXERCISE OF TOLERANCE	<i>Rev. Henry S. Spalding, S. J.</i> 175
PRIZE WINNING SCHOOL ESSAYS	<i>Gertrude Lorraine Conley</i> 178
THE CATHOLIC IN AMERICAN HISTORY	<i>Rita Freehauf</i> 181
MISCELLANY . . . . .	187

---

LOYOLA UNIVERSITY PRESS  
CHICAGO, ILLINOIS



# Illinois Catholic Historical Review

---

VOLUME VII

OCTOBER 1924

---

NUMBER 2

## HISTORY OF LAW IN ILLINOIS\*

When we think of our present government in its republican form of democracy and only of our many years of operation under such a form, we are inclined to look upon every other form of a government as abstract,—a thing apart from us,—and should we wish to examine other forms of government, we would naturally and involuntarily seek out far away places and times for such a study. It is a fact, however, that upon the domain of Illinois in some part has been practiced almost every kind of government known to man. Here has flourished tribal government in as pure a form as has been detailed in the Scriptures. Here have absolute monarchs held their sway. Here has the limited or constitutional monarchy governed. Here not less than two communistic governments have flourished and failed at different times. Here has socialism in its very best and most attractive sense been put to the test. Here has existed imperial and a territorial government chiefly under benign influences. And here, finally, has democracy, or as best known, a republican form of government existed for more than a century and experienced all the vicissitudes and triumphs of which democracy is capable.

For convenience, the government of our state may be considered with reference to the outstanding or controlling features thereof as they existed at various periods and with reference to the character

---

\* An address to the Illinois State Bar Association. The article seems appropriate for this publication since the first century of our history deals with a strictly Catholic administration of government and law under the French.

The article is besides of present public interest in connection with the efforts to popularize the Constitution and laws.

of government. Such analysis will disclose the following periods of government:

I. Paternalistic. (The Indian government up to the close of the Black Hawk War.)

II. Absolute monarchy. (Under the French crown from 1665 to 1765.)

III. Limited monarchy. (Under English government—1765 to 1778.)

IV. Colonial. (Under colony of Virginia-Plymouth Company—1778 to 1787.)

V. Territorial. (Under United States, 1787 to 1818.)

VI. Democracy. (As a state, 1818 to the present time.)

Side by side with the state government, existed at different times the following governments practically unaffected by either the government of the United States or the state of Illinois.

I. Communistic government. (The Swedes at Bishop Hill, 1846 to 1860, and the Mormons at Nauvoo, 1840 to 1846.)

II. Socialism. (The Icarians at Nauvoo, 1830 to 1855.)

## PERIODS OF GOVERNMENT

### I. PATERNALISTIC PERIOD

(The Indian government up to the close of the Black Hawk War.)

It would be a mistake to assume that there was no government in Illinois until white men set it up. Indeed, it is somewhat remarkable what an extended code of law the Indians had. The territory received its name from the Indians who were in possession of a large part of it when white men first reached here "The Illinois." In the language of those Indians themselves, "Illinois" meant men, and they called themselves "Illinois" or "men" as a distinguishing appellation. There were other tribes and families of Indians with whom they had to deal that were in the opinion of the Illinois, so cruel and inhuman that they considered them beasts, not men. The true sense then of the name Illinois is "good men." The Illinois consisting of at least five tribes, Kaskaskia, Peoria, Cakokia, Tamaroa and Mitchigamen, resident in the territory out of which this state is formed belonged perhaps the largest and in many respects the greatest Indian family of America, the "Algonquins." They were scattered from the Atlantic seaboard almost to the Rocky mountains. There were glorious traditions in their history. The Indian woman, around whom has



been woven more poetry and romance than any other, and who has been given the credit of greater good, than any other, Pocahontas, was of the Algonquin family. In passing it should be said, that while their record in Illinois territory does not make them valorous or successful in warfare as some of the other Indians, yet, history shows them possessed of the highest type of fidelity and a fine sense of honor in the fulfillment of their engagements.

Besides the Illinois, there were in various parts of the territory now covered by this state, tribes of Sioux, Sacs, Foxes, Iroquois, Kickapoo, Potawatomi, Weas and Piankeshaw and scattering representatives of other tribes.

The territory was quite accurately divided between these tribes, the Illinois occupying the southwestern and western portions of the state. When white men first visited Illinois, the "Illinois" had several quite important villages, the most populous amongst them being Kaskaskia, located in the neighborhood of the present city of Utica in La Salle county.

Peoria was also another important Indian village, and besides these there were other smaller villages. Of these Illinois there were according to Marquette, when he visited them, 20,000 men, and in all 70,000 souls. This estimate is said by some historians to be an exaggeration, but it seems possible that within the present boundaries of Illinois when white men first began to settle here, there were in the neighborhood of 50,000 Indian inhabitants.

#### INDIAN LAW

In a population of this size, it would be very strange if there were no law. True, the law would have to be unwritten, because the Indian neither read nor wrote, but a most interesting code can be traced through the conduct of these red children of the forest. For instance, in the matter of organization, they had their great families with the great chief at the head, like the Algonquins, the Iroquois and others. These families were divided into tribes and each tribe had its chief and its representatives called sachems. These sachems, or wise men, under the chairmanship, headship of the chief, sat as a court upon disputes and infractions of tribal rules and dispensed, if rough, at least even handed justice. There were also grand sachems, or those who represented the tribes at convocations or joint meetings of the several tribes belonging to a family or nation, and the big questions of war or policy were discussed and decided at such convocations.

With respect to laws bearing upon the individual, there were many rules of great interest obligatory upon the members of the tribe, perhaps, the first in importance being that which defined the family relations. Marriage, though frequently polygamous, was strictly enforced, and no promiscuous intercommunication between the sexes permitted without marriage. The rules of war and of hunt and of territory were well recognized and strictly enforced. In fact, they had a rule or law for all the activities of their circumscribed life; in other words all the law they needed.

Under the Indian rule the position of woman was peculiar, but that too was regulated by rule. She was the hewer of wood and the drawer of water, but she was also the family truck. She was the revered and respected mother and the Indian stalwart traced his lineage to the female ancestor to the exclusion of the male. Woman's rights were perhaps thought very little of in those days, but wife abandonment was an offense subject to severe penalties, but not nearly so severe as unfaithfulness of a wife. It is known that this offense was considered particularly heinous by the fact that it was punished by cutting off the nose of the offender. The execution of this punishment was entrusted to the offended husband and as in those, as well as in other days, there were suspicious husbands, many a poor Indian wife lost her nose, perhaps without just cause.

A most peculiar and interesting custom or rule obtained with respect to male children. At birth, every male child was marked by his mother either black or white by actually making a black or white mark upon such child with Indian paints. No special system seems to have been used in this marking, but the distinction between blacks and whites was preserved throughout the life of the child. In the hunt, and in the battle field there was a healthy rivalry to bring great success to the legions of their own number by the blacks, and in like manner of theirs by the whites. This competition was encouraged for the sake of improvement in the prowess and accomplishments of the race. While, of course, there was no extended code of laws, we have seen that certain rules of conduct were clearly recognized and in most cases strictly enforced.

In Haine's "American Indian," the government of the Indian is described in more or less detail, respecting which, the author says:

The institution of civil government prevailed among the American tribes throughout the two continents, as perfect and complete in form and principle, so far as adapted to their wants and conditions in life, as among the more enlightened nations. But their mode of life being simple, their wants were few and their plan of govern-



ment as adapted to this simple and primitive condition. Their government was not a government of force. It was not maintained upon principles of this kind, but was rather one of acquiescence on the part of the governed. It was, in form, patriarchal, after the manner of the ancients. They had no such thing as rulers or officers appointed to enforce laws and oppress individuals; so that their government was not one of oppression, but one in which all felt an equal responsibility, and cheerfully acquiesced in all measures prescribed or concurred in for their general good.

A New England historian, on this subject, says their government was "rather a patriarchal state; for the Sachem concluded no important things—wars, laws or subsidies—to which the people were decidedly adverse. As murders, robberies, adulteries, and the like, common among the English, were not common with them, the duties of the Sachems were light. So that even Indian history shows how crimes are nearly all offenses against property, and grow out of that hunger for wealth; every man wanting to get, or to keep, more than his share."

Quoting Dr. Franklin, Mr. Haines says:

Dr. Franklin, who, during his life of literary work, gave considerable attention to the study of Indian character and history concerning Indian government, says that "all their government is by counsel or advice of the sages; there is no force; there are no prisoners; no officers to compel obedience or inflict punishments; hence, they generally study oratory, the best speaker having the most influence. He further adds, that having frequent occasion to hold public councils they have acquired great order and decency in conducting them. The old men sit in the foremost ranks, the warriors in the next, and the women and children, if there are any, in the rear."

An instance of the enforcement of one of the most drastic of Indian laws at a quite recent date within close proximity to Chicago is related by Mr. Gurdon Saltonstall Hubbard, a highly intelligent trader of the very early days in Illinois. Mr. Hubbard, his employer Deschamps and the "Brigade" as the company of traders was called, were at Chicago on about the 25th of April, 1819, and went from there around the lake and up to near the Grand river where the Indians were celebrating the "Death Feast," and Mr. Hubbard in his Autobiography, says:

One evening at the close of the feast, we were informed that an Indian, who the fall previous, in a drunken quarrel, had killed one of the sons of a chief of the Manistee band, would on the morrow deliver himself up to suffer the penalty of his crime according to the Indian custom. We gave but little credence to the rumor, though the Indians seemed much excited over it. On the following day,

however, the rumor proved true, and I witnessed the grandest and most thrilling incident of my life.

The murderer was a Canadian Indian, and had no blood relatives among the Manistees, but had by invitation, returned with some of the tribe from Malden, where they received their annuities from the English government, and falling in love with a Manistee maiden, had married her and settled among them, agreeing to become one of their tribe. As was customary, all his earnings from hunting and trapping belonged to his father-in-law until the birth of their first child, after which he commanded his time and could use his gains for the benefit of his family. At the time of killing of the chief's son he had several children and was very poor, possessing nothing but his meagre wearing apparel and a few traps. He was a fair hunter, but more proficient as a trapper.

Knowing that his life would be taken unless he could ransom it with furs and articles of value, after consulting with his wife, he determined to depart at night in a canoe with his family and secretly make his way to the marshes at the headwaters of the Muskegon river, where he had before trapped successfully, and there endeavor to catch beaver, mink, marten, and other fine furs, which were usually abundant, and return in the spring and satisfy the demands of the chief. As, according to the custom, if he failed to satisfy the chief and family of the murdered man, either by ransom or a sacrifice of his own life, they could demand of his wife's brothers what he had failed to give, he consulted with one of them and told him of his purpose, and designated a particular location on the Muskegon where he could be found if it became necessary for him to return and deliver himself up. Having completed his arrangements, he made his escape and arrived safely at the place of designation, and having but few traps and but a small supply of ammunition, he arranged dead-fall traps in a circuit around his camp, hoping with them and his few traps to have a successful winter, and by spring to secure enough to save his life.

After the burial of his son, the chief took counsel with his sons as to what they should do to revenge the dead, and as they knew the murderer was too poor to pay their demands, they determined upon his death, and set about finding him. Being disappointed in this, they made a demand upon the brothers of his wife, who, knowing that they could not satisfy his claims, counseled together as to what course to pursue, all but one of them believing he had fled to Canada.

The youngest brother, knowing of his whereabouts, sent word to the chief that he would go in search of the murderer, and if he failed to produce him would himself give his own life in his stead. This being acceptable, without divulging the secret of his brother-in-law's hiding place, he started to find him. It was a long and difficult journey, as he had no land-marks to go by and only knew that he should find his brother-in-law on the headwaters of the Muskegon, which he finally did.

The winter had been one of unusually deep snow, and the spring one of great floods, which had inundated the country where he was.



The bears had kept in their dens, and for some reason the marten, beavers, and mink had not been found, so that when their brother-in-law reached them he and his family were almost perishing from starvation, and his winter's hunt had proved unsuccessful. They accordingly descended together to the main river, where the brother left them for his return home, it being agreed between them that the murderer would himself report at the mouth of Grand river during the "Feast of the Dead," which promise he faithfully performed.

Soon after sunrise the news spread through the camp that he was coming. The chief hastily selected a spot in a valley between the sand-hills, in which he placed himself and family in readiness to receive him, while we traders, together with the Indians, sought the surrounding sand-hills, that we might have a good opportunity to witness all that should occur. Presently we heard the monotonous thump of the Indian drum, and soon thereafter the mournful voice of the Indian, chanting his own death song, and then we beheld him, marching with his wife and children, slowly and in single file, to the place selected for his execution, still singing and beating the drum.

When he reached a spot near where sat the chief, he placed the drum on the ground, and his wife and children seated themselves on mats which had been prepared for them. He then addressed the chief, saying: "I, in a drunken moment, stabbed your son, being provoked to it by his accusing me of being a coward and calling me an old woman. I fled to the marshes at the head of the Muskegon, hoping that the Great Spirit would favor me in the hunt, so that I could pay you for your lost son. I was not successful. Here is the knife with which I killed your son; by it I wish to die." The chief received the knife, and handing it to his oldest son, said, "Kill him." The son advanced, and, placing his left hand upon the shoulder of his victim, made two or three feints with the knife and plunged it into his breast to the handle and immediately withdrew it.

Not a murmur was heard from the Indian or his wife and children. Not a word was spoken by those assembled to witness. All nature was silent, broken only by the singing of the birds. Every eye was turned upon the victim, who stood motionless with his eyes firmly fixed upon his executioner, and calmly received the blow without the appearance of the slightest tremor. For a few moments he stood erect, the blood gushing from the wound at every pulsation; then his knees began to quake; his eyes and face assumed an expression of death, and he sank upon the sand.

During all this time the wife and children sat perfectly motionless, gazing upon the husband and father, not a sigh or a murmur escaping their lips until life was extinct, when they threw themselves upon his dead body, lying in a pool of blood, in grief and lamentations, bringing tears to the eyes of the traders, and causing a murmur of sympathy to run through the multitude of Indians.

Turning to Mr. Deschamps, down whose cheeks the tears were trickling, I said: "Why did you not save that noble Indian. A few blankets and shirts, and a little cloth, would have done it." "O, my

boy," he replied, "we should have done it. It was wrong and thoughtless of us. What a scene we have witnessed."

Still the widowed wife and her children were clinging to the dead body in useless tears and grief. The chief and his family sat motionless for fifteen or twenty minutes, evidently regretting what they had done. Then he arose, approaching the body, and in a trembling voice, said: "Woman, stop weeping. Your husband was a brave man, and, like a brave, was not afraid to die as the rules of our nation demanded. We adopt you and your children in the place of my son; our lodges are open to you; live with any of us; we will treat you like our own sons and daughters; you shall have our protection and love." "Che-qui-och" (that is right) was heard from the assembled Indians, and the tragedy was ended.

Many writers have attempted to delineate the Indian laws or customs, and it is only fair to state that there is much variance of statement, due perhaps to differences in the customs of different tribes and divers times. A quite satisfactory, as well as quite complete statement of such customs is contained in the Margery Collection, assuming to be a statement of De La Salle himself. It has been frequently quoted as possessing a high order of reliability, but is little known. A writer in the magazine of Western History has translated the statement, and though quite extended, it is of great interest and very comprehensive.

## II. THE PERIOD OF ABSOLUTE MONARCHY

(Under the French crown from 1675 to 1765.)

For a time, the French people living in Illinois were governed as part of New France by the king of France through his governors or intendants at Quebec and for another period from 1717 attached to the French province of New Orleans, but through the nearly one hundred and twenty-five years that passed from the time of the earliest settlement at Kaskaskia virtually to the taking over of the control of this territory by the United States, this State, all the white people therein, and, indeed, virtually all the people, Indians included, were under a system of the most remarkable self-government ever known to history.

True, by the Treaty of Paris, the English became entitled to the sovereignty over Illinois, but English laws were never enforced. By the "Quebec Bill," passed by the British Parliament in 1774, French laws were virtually continued in force.

It is literally correct to say that the laws were never enforced. By Commandments and in modern history perhaps there never was so few breaches of the law as occurred in this state under that rule.



It is justifiable to emphasize the government of the French people of Illinois, in view of the circumstances under which it originated, the conditions with which the early inhabitants had to cope and the length of time that this pure government subsisted.

Before the French came white civilization was utterly unknown. The inhabitants intruded upon the possessions of savages. While building up a new world, they maintained a just government and peaceful relations for a period almost as long as the official life of the United States.

While the life of the French in Illinois was simple, it was by no means primitive. They had the best there was in society of their time, were just as advanced as Old World peoples and while the period was troublous in other parts of the country and of the world, the French in Illinois were living in peace with their Indian neighbors and with all the world.

The governmental machinery was just as simple as their every day life. In a quite satisfactory history of the early years of Illinois, written by Alexander Davidson and Bernard Stuve, published in 1874, we find this description which furnishes the key to French life in those days:

“No regular court was held in the country for more than a hundred years or till its occupation by the English, evidencing that a virtuous and honest community can live in peace and harmony without the serious infraction of the law. The Governor, aided by the friendly advice of the commandants and priests of the villages either prevented the existence of controversies or settled them when they arose without a resort to litigation. Although these several functionaries were clothed with absolute power such was the paternal manner in which it was exercised, it is said that ‘the rod of domination fell on them so lightly as to hardly be felt.’ ”

The commandant, as he was called, appointed by the Governor of Canada in the first instance and latterly by the Governor of Louisiana, exercised all executive functions, and as stated by Justice Breese:

“This official, up to 1750, exercised supreme judicial power also, except in capital cases, they being cognizable by the Superior Council of Louisiana, which consisted of the intendant who was the first judge, and specially charged with the king’s rights, and with all that related to the revenue, the king’s attorney, six of the principal inhabitants, and the register of the province, all appointed by the crown, subordinate to the major commandant, as he was styled. Each village had its own local commandant, usually the captain of the militia. He was as great a personage, at least as our city mayors, superin-

tending the police of his village, and acting as a kind of justice of the peace, from whose decisions an appeal lay to the major commandant. In the choice of this subordinate though important functionary, the adult inhabitants had a voice, and it is the only instance wherein they exercised an elective franchise."

In 1750, the "Court of the Audience of the royal jurisdiction of the Illinois," was established and proceedings were carried on before a single judge who himself entered his decrees in a "register." Judgment and decrees were executed by the captain of the militia or the provost. Judge Breese remarks that "occasions, however, were not frequent calling for the exercise of judicial authority or rendering a regular administration of justice necessary for the inhabitants were generally peaceable and honest and punctual in their dealings."

It would perhaps be more proper to state that there was very little for a court of justice to do than that there was no such court. The late Judge Breese in his "Early History of Illinois," although stating that there was a court, says that the supposition is justified,

"That the aid of the judge was not often invoked to settle difficulties, in fact, the most common and usual mode was by the commandant himself and by arbitration of friends and neighbors . . . trifling matters—such small difficulties as will arise even with the best regulated communities—were usually settled by the mild interposition of the commandant or the priest—the offending party would carry his complaint to the good cure and in the confessional or somewhere else, the 'tort-feasor' would be required to make the proper atonement."

The actual situation with reference to court and government is clearly stated by Judge Breese. He says:

"Their code of laws was the 'Customes of Paris,' then the common law of France, and introduced into all her American colonies, changed and modified, more or less, by the ignorance or arbitrary will of those called upon to expound and apply them. Their own peculiar local usages, of course, had the force of law."

Officers with judicial functions become more important toward the end of the French regime in the matter of land allotments or conveyances. In a sense the French settlers were squatters, but succeeding generations have considered that they earned their possessions by the service rendered the county and state in their settlement. In the deed of cession from Virginia to the United States and carried through all the subsequent proceedings, will be found a clause to this effect:

"That the French and Canadian inhabitants and other settlers of the Kaskaskias, Saint Vincents, and the neighboring villages who



have professed themselves citizens of Virginia shall have their possessions and titles confirmed to them and be protected in the enjoyment of their rights and liberties.”

And the report of the committee of Congress agreed to on June 20, 1788, provided:

“That the Governor of the Northwestern Territory be instructed to repair to the French settlements on the Mississippi at and above the Kaskaskias; that they examine the title and possessions of the settlers as above described in order to determine what quantity of land they may severally claim which shall be laid off for them at their own expense.”

In addition to the lands of which such settlers were in possession, provision was made for confirming to the inhabitants of the several villages the common lands or “Commons” theretofore held.

By reason of these provisions, we still trace a portion of our law to the French government and occupancy. Instead of titles beginning with the patent of the United States as in the case in all territory where lands were unoccupied at the time of securing them by the United States, the first link in the chain of title in these Kaskaskia lands begins with the possession of some early French settler.

Out of the supposition that some Pierre or Jacques might have made a fraudulent claim has arisen some litigation and at least two of such suits have reached the Supreme Court of Illinois and at least one the Supreme Court of the United States. The first one being the case of *Doe, ex dem, etc., vs. Hill*, 1 II., 304. In that case, in an able opinion by Justice Lockwood, the rule was laid down that a confirmation made by the Governor as provided in the report adopted by Congress to a person claiming a tract of land in the territory comprised in the report was valid and operates as a release of all the interest of the United States therein. It is a matter of interest that in this decisive case, John Reynolds appeared for the plaintiff and Thomas Ford appeared for the defendant, the same John Reynolds and Thomas Ford who, in their lifetime, served as Governors of the State of Illinois. This case was confirmed by an able opinion written by Mr. Justice Breese, as will appear by reference to the case of *Reichart vs. Felps, et al.*, 33 Ill., 433, and also on appeal as appears by the opinion of the United States Supreme Court.

These, however, are not the only examples of the French titles to be found in our laws. In connection with the village of Kaskaskia there was, as has been stated, a “Common,” which aggregated some 6,500 acres. The title to this common remained undisturbed in the

inhabitants of Kaskaskia down to modern times. Its history is best told in a preamble to Senate Bill No. 159, passed by the 46th General Assembly, which became a law July 1, 1909, and which provided for the sale of the said Common. The preamble reads as follows:

"Whereas, The inhabitants of the island of Kaskaskia, in the county of Randolph, are in common entitled to the use and benefit of certain lands commonly known as the Kaskaskia commons, consisting of about 6,500 acres, by virtue of an ancient grant recognized and confirmed by the government of the United States and the State of Illinois; and,

"Whereas, The right to sell or lease said lads, or any part thereof, was granted by the Constitution of Illinois of 1848 to a majority of the qualified voters therein; and,

"Whereas, Pursuant to said right, a majority of the qualified voters of Kaskaskia did petition the General Assembly of Illinois for permission to lease said lands, whereupon the General Assembly of Illinois passed an Act which was approved January 23, 1851, granting said privilege for school and other purposes as herein specified; and,

"Whereas, The said lands, pursuant to said Act of 1851 have been leased in separate subdivisions at different times for a period of fifty years, and,

"Whereas, It appears, from a petition now presented to the General Assembly of Illinois by a majority of the legal voters of said island, that a portion of the funds secured by the said leasing, and intended for school purposes, have been misused and misappropriated by the trustees entrusted with the case thereof; and,

"Whereas, It also appears from said petition that the school system provided by the Act of 1851 for the said island, is now wholly inadequate and insufficient for the inhabitants of said island and that the common schools of said island are in need of said funds; and,

"Whereas, There is no general law in this State, nor can one be enacted, applicable to the case, because there is no other such a grant of commons within the State nor any other community so situated; therefore," etc.

It was to be expected that such an important law would be questioned and the constitutionality of the act was indeed attacked, but the same was found constitutional and valid by the Supreme Court in the case of Land Commissioners vs. Commons of Kaskaskia, 249 Ill., 578.

But our interest in the old French regime is still maintained by an act which passed at a more recent session of the General Assembly and which became a law July 1, 1915, making additional and more stringent provisions for the conservation of the school fund created by the sale of Kaskaskia Commons Lands.

In the foregoing, is indicated the traces which the French settlement has left upon our government and laws. Were there a record,



we might be able to read with much satisfaction of governmental proceedings of this early day and might be able to quote sound decisions of these early French tribunals as precedents.

Mr. E. G. Mason, in an able address before the Illinois Bar Association, at its tenth annual meeting in Springfield, January 12, 1887, on "The Beginning of Law in Illinois," gave utterance to the following interesting suggestions:

"To Illinois lawyers, the first edition of Breese's Reports, printed at Kaskaskia, in 1831, seems a venerable volume. But how juvenile it would appear had the Illinois reports of the last century been preserved to our day. What a fine flavor it would add to the practice of the law, if we could cite familiarly the first Pierre Boisbriant, bearing date in 1718, or the second of D'Artaguet, in 1735, or, with that soulful glance which betokens complete harmony between court and counsel, could remind his honor of that well known ruling of De La Loire Flancour in 1744, or that famous decision of Buchet in 1752. These all and many another held court in the Illinois country long before any Englishman had set foot therein, but the reports of their proceedings have perished. We shall never know what treasures of wisdom and learning, what well considered judgments and what weighty opinions, easily applicable, perhaps, to the causes of our own time, have vanished from the judicial records of Illinois."

What became of the "reports of these early courts" is graphically described in Mr. Mason's address. Stating that he had reason to infer from Judge Breese's statements that such records existed, he went to Randolph county and finally persuaded some elderly officials to help him search for the records. The following is his account of the search:

"We traced the records from pillar to post; from their deposit in an open hall-way exposed to wind and weather, to the transfer of what remained to the grand jury room, where their identity was fully established by a chronic grand jurymen, who had lit his pipe by the aid of their leaves during many years of public service, reading an occasional fragment before he offered it up at the shrine of tobacco. When, by diligent attention to business, he and his associates had reduced the residue to the compass of a small box, their hearts had softened toward what remained of the venerable manuscripts, and they had consigned these remnants to the care of the janitor to be preserved, and until my coming they had been forgotten. The janitor, under pressure, confessed that he, too, had used them for kindling; and a single scrap of less than a page, containing the entry of judgments in four cases, was all that remained of the records of the Court of the Royal Jurisdiction of the Illinois."

As for direct legislation during the French Period, the form of government, which existed, would not lead us to expect much in that

direction. But it is known that there were at least some rules and regulations specially promulgated for this particular part of the world amongst which was what has since been known as the Slave Code of Louis XIV. This was an extensive body of laws which governed the conduct of the slave relations between him and his master, and between slave, his fellow-slave, and others and provided drastic punishments for its infraction either by the slave, the master or any other person.

There was, too, an extremely interesting and curious regulation promulgated in this territory, fixing definitely and minutely the order of precedence of officers, ecclesiastics and individuals when appearing in public, at church or in social gatherings.

### III. LIMITED MONARCHY

(Under English Government 1763 to 1778.)

By the Treaty of Paris all the Territory of New France east of the Mississippi river was ceded to Great Britain and that monarchy became entitled to the possession of the Illinois territory. It was not until 1675, however, that the British actually gained possession when St. Ange de Bell Rive surrendered possession of Ft. Chartres, the capitol of the Illinois country, at the time located twelve miles above Kaskaskia, to the British. A lame administration of law was set up subject to the provisions of the treaty, and later to those of the Quebec Act, which saved to the French inhabitants their rights under the French regime.

Governor John Reynolds in his work, "The Pioneer History of Illinois," leaves us this picture of conditions:

The French settlements in Illinois were at the greatest prosperity at the close of the war, in 1763, and ever since, to this day, the French inhabitants have been declining in Illinois. It is stated that old Kaskaskia, the Paris of Illinois, in 1763, contained two or three thousand inhabitants, and was a place of business, wealth, and fashion. The Jesuits had a college there, and all other ecclesiastical concerns, suited to the wealth and population of the country. The commerce to New Orleans was regular and profitable. A great portion of the Illinois Egypt, the American Bottom, was in a state of profitable cultivation. Wheat, tobacco, and various other crops were raised not only for consumption but for exportation. But over this happy prosperity a sad cloud of misfortune extended. The British whom they so bitterly hated, and for good cause, captured the country by force of arms, from these innocent and unoffending people."

And Mr. Moses, secretary and librarian of the Chicago Historical Society and for many years a prominent officer in different positions in Illinois says that:



"The French subjects of Great Britain who had remained in Illinois early exhibited a disposition to become troublesome and as a panacea for most civil ills, General Gage instructed Colonel Wilkins to establish a court of common law jurisdiction at Fort Chartres with a bench of seven judges—the first British court west of the Alleghenies."

It does not appear that this newly established court was called upon extensively to adjust legal difficulties amongst the inhabitants. There is some evidence, however, that such adjustments as were attempted were quite unsatisfactory, more especially because they comprehended the jury as an element of trial, contrary to the long established usage of the French people. It appears, also that the officers ran counter to the French notions of land titles, and began conveying or granting to others lands which were claimed by the French settlers.

The complaints of the French proved a source of much difficulty, apparently, to the British government, so much so that Parliament, with a view to the conciliation of the French inhabitants, on June 2, 1774 passed what has since been known as the "Quebec Bill" which confirmed the French inhabitants in the free exercise of their religion and restored them their ancient laws in civil cases *without* trial by jury.

Perhaps the principal events of the British government by which it will be remembered were its attempts at the wholesale bestowal of lands upon its favorites and administrators.

Governors and agents of the British government succeeded each other with considerable rapidity, but the one whose tenure of office was longest and whose deeds were most evil was Colonel Wilkins. In Davidson and Stuve's History of Illinois, it is said that:

"The most notable feature of Colonel Wilkins' administration was the wonderful liberality with which he parceled out a large domain over which he ruled in large tracts to his favorites in Illinois, Philadelphia and elsewhere without other consideration than the requiring of them to reconvey to him an interest."

And since many of the French had left the settlement, Colonel Wilkins considered their lands forfeited and granted them away.

In one tract, a grant was made to John Baynton, Samuel Wharton and George Morgan, merchants of Philadelphia who "trading in this country have greatly contributed to his majesty's service"—"for range of cattle and for tilling grain," 13,986 acres, but the metes and bounds disclosed the tract to cover some 30,000 acres.

Another instance of this wholesale disposal of the public domain included the grant of a tract which was brought by the "Illinois Land

Company'' from the Indian chiefs and paid for in blankets, shirts, stockings and gun-powder to the value of a few hundred dollars and which included ten or twelve of the most southerly counties in the State. Still another covered territory bounded by a line beginning on the Mississippi river opposite the mouth of the Missouri, thence up the Mississippi river 6 leagues, then up the Illinois river 90 leagues to the Chicago or Garlick Creek, thence north 50 leagues, thence west 40 leagues, thence northeast 14 leagues, thence north 15 leagues, thence taking a southwest course in a direct line to the place of beginning about 40 leagues. The number of acres contained in these grants was about 37,479,600. These deeds were registered at Kaskaksai. It is a satisfaction to know that the success of the American arms in the Revolution prevented the consummation of this immense steal.

''The policy of the British government was not favorable to the economic development of the newly-acquired country, since it was feared that its prosperity might react against the trade and industry of Great Britain. But in 1769 and the succeeding years of English control, this policy was relaxed, and immigration from the sea-board colonies, especially from Virginia, began. In 1771 the people of the Illinois country, through a meeting at Kaskaskia, demanded a form of self-government similar to that of Connecticut. The petition was rejected by General Thomas Gage; and Thomas Legge, earl of Dartmouth (1731-1801), Secretary of State for Plantations and President of the Board of Trade, drew up a plan of government for Illinois in which all officials were appointed by the crown. This, however, was never operative, for in 1774, by the famous Quebec Act, the Illinois country was annexed to the Province of Quebec, and at the same time the jurisdiction of the French civil law was recognized. These facts explain the considerable sympathy in Illinois for the colonial cause in the War of Independence. Most of the inhabitants, however were French, and these were Loyalists. Consequently, the British government withdrew their troops from the Illinois country. The English authorities instigated the Indians to make attacks upon the frontiers of the American colonies, and this led to one of the most important events in the history of the Illinois country, the capture of the British posts of Cahokia and Kaskaskia in 1778, and in the following year of Vincennes (Indiana), by George Rogers Clark who acted under orders from Patrick Henry, Governor of Virginia. These conquests had much to do with the securing by the United States of the country west of the Alleghanies and north of the Ohio in the treaty of Paris, 1783.''



What is said of the slight need for courts during the French period cannot be maintained respecting the English period. The different elements of population introduced during this time seems to have had the effect of creating disputes, and the courts organized in the communities were kept fairly busy.

Until Dr. Alvord of the State University discovered a large quantity of court records in the clerk's offices at Belleville and Chester, very little was known of the history and activities of these early courts, but due to the painstaking efforts of Mr. Alvord and his associates at the University, we may read the record of some hundreds of trials before these early courts, in volumes one and two of the Virginia Series of the Illinois Historical Collection. The reader of these records will be surprised in many instances to find that these courts not only exercised a very sound judgment without the aid of precedents or anything much in the way of written laws, but also that justice was administered summarily and quite satisfactorily.

#### IV. COLONIAL PERIOD

(1778 to 1787 )

After the territory was won from England by the Virginia Volunteers under George Rogers Clark in 1778, the country became subject to Virginia and, consequently, to the laws of that colony. Virginia was herself just beginning to develop a government and almost at the time of securing control of the western territory, including Illinois, adopted her constitution which is one of the best declarations of human rights found in either Federal or State constitutions. It also adopted a law defining the form of government which is remarkable for its utility and clearness.

Though Virginia ceded the territory to the United States in 1784, no effective steps were taken by the United States for its government until the ordinance of 1787 creating the northwest territory was adopted by Congress, and consequently the country remained subject to the laws of Virginia.

#### THE FIRST CONSTITUTION

We are in the habit of thinking of our State government as being administered through three State constitutions, but in reality, there were five, not the least in merit being the first; namely, the constitution of Virginia.

By reason of the importance of this enactment and of the further fact that it was frequently referred to as the rule of action by which

this territory should be governed, the Constitution of Virginia is here set out in full.

At the General Convention of Delegates and Representatives from the several counties and corporations of Virginia, held at the Capitol, in the City of Williamsburg, on Monday the 6th day of May, 1776, a declaration was adopted as follows:

## CHAPTER I

Declaration of Rights made by the Representatives of the good people of Virginia, assembled in full and free convention; which rights do pertain to them, and their posterity, as the basis and Foundation of Government. (Unanimously adopted June 12th, 1776).

I. That all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

II. That all power is vested in, and primarily derived from, the people; that magistrates are their trustees and servants, and at all times amenable to them.

III. That government is, or ought to be, instituted for the common benefit, protection and security, of the people, nation, or community. Of all the various modes and forms of government, that is best, which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of mal-administration; and that when any government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, inalienable and indefeasible right to reform, alter, or abolish it, in such manner as shall be judged conducive to the public weal.

IV. That no man, or set of men, are entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public service; which not being descendible, neither ought the office of Magistrate, Legislator, or Judge, be hereditary.

V. That the Legislative, and Executive powers of the State should be separate and distinct from the Judiciary; and that the members of the two first may be restrained from oppression, by feeling and participating in the burdens of the people, they should, at fixed periods, be reduced to a private station, returned into that body from which they were originally taken, and the vacancies be supplied by frequent, certain and regular elections, in which all, or any part of the former members, to be again eligible, or ineligible, as the laws shall direct.

VI. That elections of members to serve as representatives of the people, in Assembly, ought to be free; and that all men, having sufficient evidence of permanent common interest with, and attachment to, the community, have the right of suffrage, and cannot be



taxed or deprived of their property for public uses, without their own consent, or that of their representatives so elected, nor bounden by any law to which they have not, in like manner assented for the public good.

VII. That all power of suspending laws, or the execution of laws, by any authority without consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.

VIII. That in all capital or criminal prosecutions, a man hath a right to demand the cause and nature of his accusations, to be confronted with the accusers, and witnesses, to call for evidence in his favor, and to a speedy trial by an impartial jury of his vicinage without whose unanimous consent he cannot be found guilty, nor can he be compelled to give evidence against himself; that no man be deprived of his liberty except by the law of the land, or the judgment of his peers.

IX. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

X. That general warrants, whereby an officer or messenger may be commanded to search suspected places without evidence of a fact commanded, or to seize any person or persons not named, or whose offence is not particularly described and supported by evidence, are grievous and oppressive, and ought not to be granted.

XI. That in controversies, respecting property, and in suits between man and man, the ancient trial by jury is preferable to any other, and ought to be held sacred.

XII. That the freedom of the press is one of the great bulwarks of liberty, and can never be restrained but by despotic governments.

XIII. That a well regulated militia, composed of the body of the people, trained to arms, is the proper, natural and safe defence of a free state; that standing armies, in time of peace, should be avoided, as dangerous to liberty; and that, in all cases, the military should be under strict subordination to, and governed by, the civil power.

XIV. That the people have a right to uniform government; and therefore, that no government separate from, or independent of, the government of Virginia, ought to be erected or established within the limits thereof.

XV. That no free government, or the blessing of liberty, can be preserved to any people but by a firm adherence to justice, moderation, temperance, frugality, and virtue, and by frequent recurrence to fundamental principles.

XVI. That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence, and therefore all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practice Christian forbearance, love and charity toward each other.

## CHAPTER II.

The Constitution or Form of Government, agreed to and resolved upon by the Delegates and Representatives of the several Counties and Corporations of Virginia. (Unanimously adopted, June 29, 1776.)

1. WHEREAS, George the third, King of Great Britain, and Ireland, and Elector of Hanover, heretofore entrusted with the exercise of the kingly office in this government, hath endeavored to pervert the same into a detestable and insupportable tyranny, by putting his negative on laws the most wholesome and necessary for the public good: By denying his governors permission to pass laws of immediate and pressing importance, unless suspended in their operation for his assent, and, when so suspended, neglecting to attend to them for many years: By refusing to pass certain other laws, unless the persons to be benefited by them would relinquish the inestimable right of representation in the legislature: By dissolving legislative assemblies repeatedly and continually, to those opposing with manly firmness, his invasions of the rights of the people: When dissolved, by refusing to call others for a long space of time, thereby leaving the political system without any legislative head: By endeavoring to prevent population of our country, and, for that purpose, obstructing the laws for the naturalization of foreigners: By keeping among us, in time of peace, standing armies and ships of war: By effecting to render the military independent of, and superior to, the civil power: By combining with others to subject us to a foreign jurisdiction, giving his assent to their pretended acts of legislation: For quartering large bodies of armed troops among us: For cutting off our trade with all parts of the world: For imposing taxes on us without our consent: For depriving us of the benefits of the trial by jury: For transporting us beyond seas, to be tried for pretended offences: For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever: By plundering over seas, ravaging our coasts, burning our towns, and destroying the lives of our people: By inciting insurrections of our fellow subjects, with the allurements of forfeiture and confiscation: By prompting our negroes to rise in arms among us, those very negroes, whom, by an inhuman use of his negative, he hath refused us permission to exclude by law: By endeavoring to bring on the inhabitants of our frontiers, the merciless Indian savages, whose known rule of warfare is in undistinguished destruction of all ages, sexes and conditions of existence: By transporting at this time, a large army of foreign mercenaries, to complete the works of death, desolation and tyranny already begun with circumstances of cruelty and perfidy unworthy the head of a civilized nation: By answering our repeated petitions for redress with a repetition of injuries: And finally, by abandoning the helm of government, and declaring us out of his allegiance and protection. By which several Acts of



misrule, the government of this country as formerly exercised under the crown of Great Britain, is totally dissolved.

2. We, therefore, the Delegates and Representatives of the good people of Virginia, having maturely considered the premises, and viewing with great concern the deplorable condition to which this once happy country must be reduced, unless some regular, adequate mode of civil polity is speedily adopted, and in compliance with a recommendation of the General Congress, do ordain and declare the future form of government of Virginia to be as followeth:

3. The Legislative, Executive and Judiciary departments shall be separate and distinct, so that neither exercise the powers properly belonging to the other; nor shall any person exercise the powers of more than one of them at the same time, except that the Justice of the county courts shall be eligible to either House of Assembly.

4. The Legislature shall be formed of two distinct branches who together shall be a complete Legislature. They shall meet once or oftener, every year, and shall be called the General Assembly of Virginia.

5. One of these shall be called the House of Delegates, and consist of two Representatives to be chosen for each county, and for the district of West Augusta, annually of such men as actually reside in and are freeholders of the same, or duly qualified according to law; and also one Delegate or Representatives to be chosen annually for the city of Williamsburg, and one for the burrough of Norfolk; and a representative for each such other cities and burroughs as may hereafter be allowed particular representation by the Legislature; but when any city or burrough shall so decrease, as that the number of persons having right of suffrage therein shall have been for the space of seven years successively less than half the number of voters in some one county in Virginia, such city or burrough thenceforward shall cease to send Delegates or Representatives to the Assembly.

6. The other shall be called the Senate, and consist of twenty-four members, of whom thirteen shall constitute a House to proceed on business, for whose election the different counties shall be divided into twenty-four districts, and each county of the respective districts, at the time of the election of its Delegates shall vote for one Senator, who is actually a resident and freeholder within the district, or duly qualified according to law, and is upwards of twenty-five years of age; and the sheriffs of each county within five days at farthest after the last county election in the district, shall meet at some convenient place, and, from the poll so taken in their respective counties, return as a Senator the man who shall have the greatest number of votes in the whole district. To keep up this Assembly by rotation, the districts shall be equally divided into four classes, and numbered by lot. At the end of one year after the general election, the six members elected by the first division, shall be displaced, and the vacancies thereby occasioned supplied from such class or division,

by new election, in the manner aforesaid. This rotation shall be applied to each division, according to its number, and continued in due order annually.

7. That the right of suffrage, in the election of members of both Houses, shall remain as exercised at present, and each House shall choose its own Speaker, appoint its own officers, settle its own rules of proceeding, and direct writs of election for supplying intermediate vacancies.

9. All laws shall originate in the House of Delegates, to be approved or rejected by the Senate, or to be amended with the consent of the House of Delegates, except money bills, which in no instance shall be altered by the Senate, but wholly approved or rejected.

9. A Governor, or Chief Magistrate, shall be chosen annually by joint ballot of both Houses, to be taken in each House respectively, deposited in the conference room; the boxes examined jointly by a Committee of each House; and the numbers severally reported to them, that the appointment may be entered (which shall be the mode of taking the joint ballot of both Houses in all cases) who shall not continue in that office longer than three years successively, not to be eligible until the expiration of four years after he shall have been out of that office. An adequate, but moderate salary, shall be settled upon him during his continuance in office; and he shall, with the advice of a Council of State, exercise the executive powers of government according to the laws of this commonwealth; and shall not, under any pretense, exercise any power or prerogative by virtue of any law, statute or custom of England; but he shall, with the advice of the Council of State, have the power of granting reprieves or pardons, except where the prosecution shall have been carried on by the House of Delegates, or the law shall otherwise particularly direct; in which case, no reprieve or pardon shall be granted, but by resolve of the House of Delegates.

10. Either House of the General Assembly may adjourn themselves respectively. The Governor shall not prorogue or adjourn the Assembly during their sitting nor dissolve them at any time; but he shall, if necessary, either by advice of the Council of State, or on application of a majority of the House of Delegates, call them before the time to which they shall stand prorogued or adjourned.

11. A Privy Council or Council of State, consisting of eight members, shall be chosen by joint ballot of both Houses of Assembly either from their own members or the people at large, to assist in the administration of government. They shall annually choose out of their own members a President, who, in case of the death, inability, or necessary absence of the Governor from the government shall act at Lieutenant Governor. Four members shall be sufficient to act; and their advice and proceedings shall be entered of record, and signed by the members present (to any part whereof any member may enter his dissent) to be laid before the General Assembly, when called for by them. This Council may appoint their own clerk, who shall have a salary settled by law, and take an oath of secrecy in



such matters as he shall be directed by the Board to conceal. A sum of money appropriated to that purpose shall be divided annually among the members in proportion to their attendance; and they shall be incapable, during their continuance in office, of sitting in either House or Assembly. Two members shall be removed, by joint ballot of both Houses of Assembly, at the end of every three years, and be ineligible for the three next years. These vacancies, as well as those occasioned by death or incapacity, shall be supplied by new elections, in the same manner.

12. The Delegates for Virginia to the Continental Congress shall be chosen annually, or superseded in the meantime by joint ballot of both Houses of Assembly.

13. The present militia officers shall be continued, and vacancies supplied by appointment of the Governor, with the advice of the Privy Council, or recommendations from the respective County Courts; but the Governor and Council shall have a power of suspending any officer, and ordering a court-martial, on complaint of misbehavior or inability, or to supply vacancies of officers happening when in actual service. The Governor may embody the militia, with the advice of the Privy Council, and, when embodied, shall alone have the direction of the militia under the laws of the Country.

14. The two Houses of Assembly shall, by joint ballot, appoint Judges of the Supreme Court of Appeals and General Court, Judges in Chancery, Judges of Admiralty, Secretary, and the Attorney General, to be commissioned by the Governor, and continue in office during good behavior. In case of death, incapacity, or resignation, the Governor with the advice of the Privy Council, shall appoint persons to succeed in office, to be approved or displaced by both Houses. These officers shall have fixed and adequate salaries; and, together with all others holding lucrative offices, and all Ministers of the Gospel of every denomination, be incapable of being elected members of either House or Assembly or the Privy Council.

15. The Governor, with the advice of the Privy Council, shall appoint Justices of the Peace for the counties; and in case of vacancies, or a necessity of increasing the number hereafter, such appointments to be made upon the recommendation of the respective County Courts. (a) The present acting Secretary in Virginia, and Clerks of all the County Courts, shall continue in office. In case of vacancies, either by death, incapacity or resignation, a secretary shall be appointed as before directed and the clerks by the respective courts. (b) The present and future clerks shall hold their offices during good behavior, to be judged of and determined in the General Court. The sheriffs and coroners shall be nominated by the respective courts, approved by the Governor, with the advice of the Privy Council, and commissioned by the Governor. The Justices shall appoint Constables, and all fees of the aforesaid officers to be regulated by law.

16. The Governor, when he is out of office, and others offending against the state, either by mal-administration, corruption or

other means by which the safety of the state may be endangered, shall be impeachable by the House of Delegates. Such impeachment to be prosecuted by the Attorney General, or such other person or persons as the House may appoint, in the General Court according to the laws of the land. If found guilty, he or they shall be either forever disabled to hold any office under the government, or removed from such office *pro tempore*, or subjected to such pains or penalties as the law shall direct.

17. If all, or any of the Judges of the General Court, shall, on good grounds (to be judged of by the House of Delegates) be accused of any of the crimes or offenses before mentioned, such House of Delegates may, in like manner, impeach the Judge or Judges so accused, to be prosecuted in the Court of Appeals; and he or they, if found guilty, shall be punished in the same manner as is prescribed in the preceding clause.

18. Commissions and grants shall run in the name of the Commonwealth of Virginia, and bear teste by the Governor, with the seal of the Commonwealth annexed. Writs shall run in the same manner, and bear teste by the clerks of the several courts. Indictments shall conclude, against the peace and dignity of the Commonwealth.

19. A Treasurer shall be appointed annually, by joint ballot of both Houses.

20. All escheats, penalties and forfeitures heretofore going to the King, shall go to the Commonwealth, save only such as the Legislature may abolish or otherwise provide for.

21. The territories contained within the charters erecting the colonies of Maryland, Pennsylvania, North and South Carolina, are hereby ceded, released and forever confirmed to the people of those colonies respectively with all the rights of property, jurisdiction and government, and all other rights whatsoever which might at any time heretofore have been claimed by Virginia, except the free navigation and use of the rivers Potomac and Pohomoke, with the property of the Virginia shores or strands bordering on either of the said rivers, and all improvements which have been or shall be made thereon. The western and northern extent of Virginia shall, in all other respects, stand as fixed by the charter of King James the first, in the year one thousand six hundred and nine, and by the public treaty of peace between the courts of Great Britain and France, in the year one thousand seven hundred and sixty-three; unless, by act of Legislature, one or more territories shall hereafter be laid off, and governments established westward of the Allegheny mountains. And no purchase of lands shall be made of the Indian natives but on behalf of the public, by authority of the General Assembly.

22. In order to introduce this government, the representatives of the people met in Convention shall choose a Governor and Privy Council, also such other officers directed to be chosen by both Houses as may be judged necessary to be immediately appointed. The Senate to be first chosen by the people, to continue until the last day of



March next, and the other officers, until the end of the succeeding session of Assembly. In case of vacancies, the Speaker of either House shall issue writs for new elections.

Besides the constitution and the act defining the form of government, the Virginia assembly, during the time that the territory now embraced in Illinois was subject to that colony, passed twenty-nine laws on the following subjects in the order named: Rights, Elections, Wrecks, Cession, Copy Right, Shipping, Frauds, and Perjuries, Banking, Aliens, Conveyances (fraudulent), Bail, Trial (right to speedy and impartial), Estrays, Roads and Bridges, Religion (freedom of), Affrays, Conspiracies, Pure Food, Partitions, Informer (Collusion), Death (Presumption of by 7 years' absence), Ejectment, Mob Violence, Bills of Exchange, Usury, Exchange, Records (Restoration ,of Lost), Fire (Establishment of Companies), Convicts, Office (Incompatible).

#### V. TERRITORIAL PERIOD.

(As a Territory of the United States.)

Upon the cession of the territory northwest of the Ohio River to the United States and its acceptance thereof, the Congress (then the Continental Congress) passed the well known ordinance of July 13, 1787, which may properly be described as another constitution or charter of government.

This enactment has been highly praised in many quarters and undoubtedly contains a great many valuable guarantees, but it was very inferior to the constitution of Virginia and granted but meagre privileges as to participation in government to the people.

It failed to provide for the liberty of the press, the right of free speech, the right of petition, the freedom of election, the right to bear arms, and did not prohibit ex-post facto laws, provisions which were included in many of the contemporary State constitutions. The right of suffrage was so limited as to virtually prohibit its effective exercise.

The ordinance of 1787 is so familiar, being found in every compilation of Illinois laws, that it is perhaps unnecessary either to publish it or review its provisions except incidentally.

The territory now known as Illinois was subject to the government and laws of the northwest territory from the time of the passage of the ordinance by Congress until 1800 and during that time, the Governor and judges acting as a legislature, under the authority of the ordinance, enacted laws upon the following subjects.

1. Acts of the territory northwest of the Ohio River, (North-west Territory).

(a) Enacted by the Governor and Judges.

1788. Militia, Courts, Administration, General Courts, Oaths, Criminal Code, Marriage, Coroners, Limitations.

1790. Liquor, Gambling, Township Organization.

1791. Publication Notices, Clerk of the Legislature, Records, Murder and Treason, Fences.

1792. Licenses (Liquor and Merchandise), Officers, Revenue, Roads and Bridges, County Buildings (Court House, Jail, Pillory, Whipping Post and Stocks), Prisoners, Fees and Salaries.

1795. Executions, Attachments, Small Debts, Debt (Action of), Practice, Fines, Orphans, Courts, Recorder, Poor (Relief of), Wills, Husband and Wife, Dower, Forceible Entry and Detainer, Common Law (adopted) Divorce, Trespass, Partition, Landlord and Tenant, Imprisonment for Debt.

1798. Corporations, Insolvency, Acknowledgment (of Deeds), Land Office.

(b) Acts of the first General Assembly of the Northwest Territory passed at its first session.

1799. Confirming Act (Confirms Acts theretofore passed by the Governor and Judges), Attorneys, Interest and Usury, Arbitration and Award, Ferries, Bills and Notes, Mills and Millers, Justices and Constables, Elections, Prairie Fires, Wolves, Appropriations.

These laws were carefully and honestly prepared and form the basis of virtually all of the Statute law of this State.

Before the convening of another session of the territorial legislature, Congress had divided the territory putting Indiana and Illinois into a new territory called "the territory of Indiana" and thereafter, the Illinois country became subject to the laws of the territory of Indiana and so remained until 1809 when the territory of Illinois was created by Act of Congress.

## 2. Laws of the Territory of Indiana.

When the territory of Indiana was created, the seat of government of the newly created territory, including Indiana and Illinois, was established at Vincennes, Indiana. Here the governor and judges legislated in accordance with the provisions of the ordinance of 1787, until the territory was raised to one of the second grade in 1805, when the elected legislature met at Vincennes and annually thereafter.



All laws of the northwest territory were recognized as in effect in the new territory, and the governor and judges set to work amending former laws and enacting new ones.

During the period of the Indiana territory, and up to the time that Illinois was separated from Indiana legislation upon the following subjects was enacted:

1801. Levies, court practice, amendment and jeoffairs, establishing courts of judicature, creating territorial treasurer, respecting the establishment of ferries and fees, a salaries act, an act fixing the compensation of the clerk of the legislature (governor and judges).

1802. Surveyors, deputy surveyors and an act fixing their fees.

1803. The repeal of an act to encourage the killing of wolves, resolution repealing certain parts of the fees and salaries act, an act in addition to the fees salaries act, amendments to the practice act, a law concerning servants, amendments to fees and salaries act, a law authorizing the appointment of pilots, an extensive repeal act, a law to prevent forcible and stolen marriages and for punishment for the crime of bigamy, to regulate county levies, laying a tax upon law processes and several resolutions.

The legislature when convened in 1805-1806-1807 and 1808 adopted at the various sessions a considerable number of acts, many of which are of interest, especially since they became in a large measure the laws of Illinois.

An interesting tradition in connection with one of the laws of the Indiana territorial legislature has to do with a conspicuous figure in the early history of the northwest. A body of laws had grown up authorizing imprisonment for debt, and under the law Simon Kenton, who was a noted scout and plainsman, who rendered invaluable services to the country during the Revolutionary War, later in his life, was sent to prison at the instance of one of his numerous creditors, and languished in jail, such as existed at that time, for more than a year. When it became known that the great popular hero who had rendered such distinguished service to his country (one instance of which was the part he played in the conquest of the northwest by George Rogers Clark when he led the detachment of Clark's force into Ft. Gage, and took the commander prisoner), there was such an outcry against that method of enforcing payment of debts, that the Indiana legislature very greatly modified the law concerning imprisonment for debt, and it is supposed that this very incident had an influence upon the Illinois Constitutional Convention in 1818, by reason of which the constitution formulated by the

convention forbade imprisonment for debt, the first constitution to make such provision up to that time.

It was the legislature of the territory of Indiana that first introduced into the laws of the northwest the servant or indenture laws, afterwards called the black laws, through which the inhibition upon slavery contained in the ordinance of 1787 was evaded, and which early brought on the contest over the slavery question in Illinois.

### 3. Laws of the Territory of Illinois.

Upon appointment by the president, the governor and judges of the new territory of Illinois established in 1809, began to legislate, and during the three years preceding the elevation of the territory to one of the second grade, enacted thirty-five laws.

A legislature was elected in 1812 which met annually, and during the six years following, legislated upon a large number of subjects, enacting some important laws and repealing and amending many of the laws enacted by the territories of which the state had formerly been a part, and became especially conspicuous for reversing its own acts or the acts of former legislatures.

The original northwest territory and the territories of Indiana and Illinois, each declared the common law of England with certain named exceptions to be in force, and each succeeding territory adopted the laws of its predecessor, so that at the time of the adoption of the constitution, the laws of Illinois consisted of that part of the common law which is still declared to be a part of the law of the state, of all the laws enacted by the territory of Indiana, and the laws enacted by the territory of Illinois, which remained amended or unrepealed.

The lawyer in examining this body of legislation will be surprised to find that the salient features of most of our present laws were embodied therein and that a great part of the legislation enacted since that time is but a modification, with some additions to those early laws.

In all these early laws there are quite drastic provisions respecting punishments for crime, and to the lawyer the inquiry naturally arises, were these punishments frequently inflicted? Apparently not, at any rate the record of such punishments is rare. As to whipping one sentence may be cited, but that within the period of the British. A sentence was imposed on May 17, 1769, as follows:

“It is the opinion of the court that the prisoners are guilty of the crime laid to their charge and so under the first article of the sixth section of the articles of war we do sentence accordingly Sergeant William Johnson to be reduced to service in the rank as private



and receive one thousand lashes; they also sentence John Wells, soldier, to receive one thousand lashes."

During the reign of Colonel Clark after the conquest of Virginia, Clark himself issued a proclamation which was a virtual slave code. On December 26, 1778, as commander of the eastern part of Illinois he issued regulations for the conduct of slaves which among other things provided that "slaves who shall be found after the beating of tatoo or eight o'clock in the evening, in the cabins of other slaves than those of their masters shall be arrested and in a public place beaten with thirty-nine strokes of the whip at the expense of the master."

Territorial laws, especially of Illinois and Indiana, are somewhat easier of access and lawyers are more or less familiar with them, but there is a body of decisions comprehending many of the decisions of the courts of Illinois which have been recorded and are still preserved that few people have seen. They are to be found in four large volumes in the court house at Chester, Illinois, and constitute a most interesting collection of judicial records. Our Supreme Court reports begin with that of I Breese, and include only the decisions of the Supreme Court since the adoption of the constitution. The four volumes of records spoken of contain the proceedings with the decisions of the cases tried by the courts corresponding to our Supreme Court during the territorial period. These records are of great interest and no doubt the Bar Association will at some time desire that they be published in somewhat the same manner as the decisions of the State Supreme Court.

#### INTERESTING EARLY LAWS.

There are many of these old laws that are very interesting and some of them especially so to attorneys. As for example: The law of the original territory of August 1, 1792, which limited the employment of counsel to two in number on one side of a case and provided that when there are no more than two attorneys practicing at any bar, a client will not be permitted to hire more than one of them.

Another act of the same date fixed attorney's fees as follows:

"For a pleading fee when counsel is employed on an issue in law or fact joined in the Supreme Court, two dollars; for all other causes in the Supreme Court and for all causes in the court of common pleas and court of general quarter sessions of the peace where an issue in fact or law is joined, one hundred and fifty cents; and for all other causes in the common pleas court of quarter sessions as a retaining fee one dollar; in criminal causes where one or more defendants are

tried by jury at the same time or where a cause is determined by an issue at law a pleading fee for the counsel in the Supreme Court (but to one counsel only) two dollars; and when no trial is had by jury nor the cause determined by an issue in law, one dollar and a half; and in the court of general quarter sessions of the peace the fees shall be the same as is allowed in the court of common pleas."

By an act of 1798 this law was amended as follows:

"Retaining fee one dollar; pleading fee where issue or demurrer one dollar and fifty cents; term fee fifty cents; the Attorney General's deputy in the court of common pleas or quarter sessions one-half the fees by law allowed the Attorney General in the general court for similar services."

An act of October 1, 1795, prescribed the oath which an attorney or counsellor at law was required to take. It ran as follows:

"You shall behave yourself in the office of counsellor at law (or attorney as the case may be) while within this court according to the best of your learning and with all fidelity as well to the court as to the client. You shall use no falsehood nor delay any person's cause for lucre or malice (so help you God)."

An act was passed in 1792 relative to admission to the bar which would answer well even now.

Going still farther back, we find that the Legislature of Virginia on November 27, 1786, passed a very salutary pure food law forbidding a butcher to sell the flesh of any animal dying otherwise than by slaughter, and forbidding a baker, brewer, distiller or other person from selling unwholesome bread or drink. The punishment for violation of any provision of the law was for the first offense, amercement; for the second offense, pillory; for the third, fine and imprisonment; and for each subsequent offense the person convicted was adjudged to hard labor for six months in the public works.

In the first year after the organization of the Northwest Territory, 1788, by an act adopted September 6 of that year, quite a complete criminal code was adopted. It dealt with the usual crimes, but the notable features in connection therewith were the punishments provided. Treason and murder were the only crimes punishable by death in this first law, though arson, horse stealing and bigamy were made punishable by death in later laws. For arson, the convicted person might be whipped not exceeding thirty-nine stripes, pilloried for two hours, confined in jail three years, made to forfeit all his estate and if a death resulted from the burning, the convict should be put to death. For robbery or burglary with theft, thirty-nine lashes, a fine of treble the value, one-third of the fine to go to the territory



and two-thirds to the party injured. For robbery or burglary with abuse and violence, the same punishment as burglary with theft and in addition, forfeiture of all property and confinement in prison for not to exceed four years. Robbery or burglary with homicide was punishable by death and all persons aiding or abetting were deemed to be principals. For obstructing authority, one might be fined and whipped not to exceed thirty-nine lashes. For larceny, one might be adjudged to return double the value of the goods stolen or to receive thirty-one lashes. For forgery, a fine of double the loss caused and not to exceed ten lashes and three hours in the pillory. For disobedience on the part of servants or children, imprisonment was provided; for striking a master or parent, not to exceed ten lashes. For drunkenness, a fine of one dollar was payable and the person convicted might be required to sit in the stocks for one hour.

As early as 1790, gambling of every species for money or property was forbidden under severe penalties and all gambling contracts were declared void.

Under an act of January 5, 1795, for the trial and punishment of larceny under \$1.50, upon conviction, the accused might be publicly whipped upon his bare back not exceeding fifteen lashes or fined not to exceed three dollars, thus apparently fixing a whipping value of twenty cents per lash.

On December 19, 1799, an act was passed to punish arson by death.

On August 24, 1805, under the authority of the Territory of Indiana, a stringent law was passed to prevent horse stealing. For the first offense, the thief might be required to pay the owner the value of the horse stolen, to receive two hundred stripes and be committed to jail until the value of the horse was paid. On a second conviction, the offender should suffer death.

By the same law, hog stealing was made punishable by a fine of not less than fifty dollars nor more than one hundred dollars, and the thief might be given not to exceed thirty-nine lashes on his bare back. This same act provided a fine for swearing.

By an act of October 26, 1808, the law was further amended making horse stealing punishable by death and making the receiver equally guilty with the thief and also punishable by death.

The governor and judges as legislators for the Territory of Indiana, dipped into the proposition of conclusive presumptions when, on December 5 of that year, they passed an act to prevent altering and defacing marks and brands and the misbranding of horses, cattle and hogs. It provided a penalty for misbranding equal to the value

of the animal misbranded, "one dollar and forty lashes on the bare back well laid on," and for a second offense, the same fine and "to stand in the pillory two hours and be branded in the left hand with a red hot iron with the letter "T" (meaning "thief").

It provided further that any person bringing to market or to ship "any hog, shoat or pig without ears, he or she so offending shall be adjudged a hog stealer."

The first Territorial act to impose any duty upon counties was that of August 1, 1792, which required each county to build and maintain a court house, a jail, a pillory, whipping post and stocks.

The whipping post, pillory and stocks were institutions of the law to which this State was subject from their institution in 1788 to 1832. This character of punishment was justified on the ground that there were no penitentiaries in which to confine criminals and there was a sharp division of sentiment as to which, confinement or whipping, was the better mode of punishment, in 1829, when the movement for a penitentiary, led by the rough old backwoodsman, John Reynolds, afterwards Governor, was launched.

In all the early acts authorizing the licensing of tavernkeepers, fair dealing and proper treatment of the customers were the principal aims. There was plainly no prejudice against the selling of liquor, but a determined intent that the public should be well treated.

To that end, the tavern-keeper was obliged to furnish good eating and sleeping accommodations and to refrain from overcharging. The judges or others empowered to grant licenses were authorized to fix a scale of prices for board, lodging and drinks which must be rigidly adhered to under severe penalties.

By an act adopted in 1792, the sheriff and other officers were made responsible for the safe keeping of prisoners. If a prisoner escaped, the officer was severely punished, and if he were imprisoned for debt, the officer could be held liable for the debt.

It is interesting to know that there has been on foot for several years past, a movement to have a stringent liability provision inserted in the statutes of the several states relating to mob law, riots and unlawful assemblies, and it is of still further interest to find that the Legislature of the greater territory, by an act of December 19, 1799, repealed the liability provisions of the early law above referred to, expressly upon the ground that escapes were consummated by collusion in order that the officers might be held responsible.

An act passed by the Territory of Indiana on September 17, 1807, and another by the Territory of Illinois on July 22, 1809, are genuine curiosities, as regulating the manner of holding prisoners in confine-



ment, out of doors. The one providing for fixing a boundary (200 yards at the highest), beyond which prisoners were not allowed to pass. It is presumable that when the prisoners were numerous, it was easier for them to escape, and consequently the act of 1809 provided that guards might be hired to keep them within the bound, or if none could be found willing to engage for the purpose, power was given to impress guards. All of this was before we began building prison strongholds.

It is quite popular nowadays to advocate the levy of a tax upon bachelors, but it is by no means new. As early as June 19, 1795, the governor and judges of the Northwest Territory included a tax of \$1.00 per head on single men, and such a tax was imposed throughout the territorial period.

The governor and judges of the Illinois Territory by an act of July 20, 1809, fixed a license of \$25.00 per annum for the sale of merchandise, and the Territorial Legislature of Illinois by an act of December 22, 1814, levied a tax of \$40.00 annually on billiard tables.

By an act of January 9, 1816, the tax on billiard tables was raised from \$40.00 to \$150.00; \$100.00 to go to the Territorial treasury and \$50.00 to the county treasury.

It became the settled policy of the several territories to levy a tax on Dunkards and Quakers as a consideration for their being released from military duty, and a similar provision as to all persons having scruples against military duty still exists in the Constitution of 1870.

For several years past, there has been a great deal of agitation concerning the manner of jailing delinquents, thus depriving their families of their support, and it is suggested that such persons be obliged to work and their earnings, or part thereof, be available for the support of their families. The Indiana Territory accomplished this purpose over one hundred years ago. By an Act of September 14, 1807, concerning vagrants, it was provided that "every person suspected of getting his livelihood by gaming, every able-bodied person found loitering and wandering about, having no visible property and who doth not betake himself to labor or some honest calling; all persons who quit their habitation and leave their wives and children, without suitable means of subsistence, and all other idle, vagrant and dissolute persons rambling about without any visible means of subsistence, shall be deemed and considered vagrants."

The act further provided for arrest of all such and upon conviction that such as are adult, shall be hired out by the sheriff and their

earnings paid to their families, if they are in need of them, and if not, to the discharge of their debts.

It further provides that if no one would hire them, such vagrant should receive not to exceed thirty-nine lashes. Adults might be discharged by giving bond conditioned upon their going to work and keeping at it. If the vagrant be a minor, he shall be bound out until of age.

### PENALTIES UNDER EARLY LAWS

The whipping post, pillory and stocks were institutions of the law to which this State was subject from their institution in 1788 to 1832. This character of punishment was justified on the ground that there were no penitentiaries in which to confine criminals and there was still a sharp division of sentiment as to which, confinement or whipping, was the better mode of punishment in 1829, when the movement for a penitentiary, led by the rough backwoodsman John Reynolds, afterwards Governor, was launched.

It has been sometimes questioned whether any of these drastic punishments were inflicted in this region. The answer appears in some writings which have survived, although written references to such infliction are very rare. To Governor John Reynolds, the rough diamond of early Illinois statesmen, is due the credit of abolishing these barbarous punishments, and substituting in their stead the present system. Writing of the movement for more humane treatment of offenders Reynolds says:

“I had reflected upon the subject of punishment of criminals, and had reached the conclusion that the criminal law should be changed, and that the ancient, barbarous system of whipping, cropping and branding for crime should be abolished and the penitentiary substituted. This ancient practise had been in operation for ages, and it was difficult to change it. \* \* \* but the age required the old barbarous system of the pillory, the whipping post and the gallows to be cast away, and a more Christian and enlightened mode of punishment adopted.”

Accordingly, as a member of the General Assembly Reynolds in 1832 introduced a bill for the establishment of the penitentiary, and himself carried the provisions of the bill, which was adopted, into execution when he became governor.

Few specific instances of the old barbarous punishments are to be found recorded, but a distinguished resident of Chicago has left us a particular and specific account of one such. Speaking before the



State Historical Society of Illinois on January 24, 1906, Dr. Samuel Willard, amongst other reminiscences, related the following:

“There was then no penitentiary in the State, hence other penalties had to take the place of confinement. Near the courthouse on the public square (in Carrollton, Illinois) there was set a strong post, an unhewn log, ten feet high, with a cross-piece near the top. I saw a man brought from the jail by the sheriff and a constable, to be whipped thirty lashes for the theft of a horse. He was stripped naked to the hips, his hands were tied and the rope was carried to the cross-piece and drawn as tight as could be without taking his feet from the ground. Then Sheriff Fry took that terrible instrument of punishment and torture, a rawhide. Probably many of you have not seen one. To make it, a taper strip of soft wet cowskin was twisted until the edges met, and the thing was dried in that position. It was hard, ridgy, and rough, but flexible as a switch, three quarters of a yard long. The sheriff began laying strokes on the culprit’s back, beginning near his neck and going regularly down one side of his backbone, former Sheriff Young counting the strokes aloud. Each stroke made a red blood-blister. When fifteen blows had been counted, the officer paused, and some one ran to the poor wretch with a tumbler of whiskey, then the other side of the man received like treatment. Then the man’s shirt was replaced, and he was led away to the jail. One of the bystanders said, ‘O Lord! he isn’t as bad cut up as G. H. was when L. M. bogged him three or four years ago.’ Boy as I was, I did not know what a dreadful infliction it was. The whipping-post remained there two or three years, but I never heard of any further use of it.”

JOSEPH J. THOMPSON.

*Chicago.*

## THE UNIFICATION OF THE URSULINES

From the earliest years of his long pontificate, Pope Leo XIII won the veneration of all Christendom and the admiration of his adversaries by his insight into the needs of the times and the tact of his diplomacy. He had a knowledge of the century in which he lived and saw that organization was a necessity to modern society. Pope Leo XIII accomplished lasting good for the Church and not the least monument to his memory is the unification of religious orders under his wise counsel.

The Ursuline Order, founded in 1535 by St. Angela Merici, had spread from the vine-clad village of Desenzano in Lombardy to the remote parts of the civilized world. It now numbered Houses in far distant Java, in the wilds of Alaska, in all parts of Europe, the United States, South America and Canada. St. Angela had counselled her daughters to adapt themselves to the needs and necessities of the countries in which they were laboring for the education of youth; and as each House became autonomous as soon as it was self-supporting, it is evident that the Order could retain little in common except its religious spirit. Life therefore, among the Indians in the Rocky Mountains and as lived with the Eskimos in Alaska was necessarily a striking contrast to the calm quiet of cloister life as lived in the monasteries of the Ursulines in Europe when at the opening of the twentieth century, the venerable Vicar of Christ turned to the Ursulines and said: *Ut sint unum*—Let them be one!

The Roman Ursuline convent in Via Vittoria, two hundred years after its foundation was about to suffer extinction because of confiscation, death and lack of subjects when the little community appealed to the Ursulines of Blois for assistance. Mother St. Julian, a woman of broad views and extraordinary talents, was sent as Superior to the struggling Roman House, but after several years of trial and discouragement, she consulted His Eminence Cardinal Satolli, the Cardinal Protector, about closing the Roman House and returning with her little band of Ursulines to France. He listened with deepest interest and after serious thought said with prophetic intuition: "Mother, I cannot but think that Almighty God ardently desires that the lamp of the Ursulines continue to burn at St. Peter's tomb." (Every Religious Order which has a House in Rome keeps a

---

Material for this paper was obtained from personal interview with Mother Agatha; the Roman Review and Report of Mother General.

lamp burning constantly at the tomb of the Prince of the Apostles. Its symbolism is too evident to need explanation.) However, according to Canon Law it was impossible for the community at Blois to maintain the Roman House as a dependency without the approbation of the Bishop of Rome. The Cardinal therefore consulted the Holy Father, Leo XIII, and made application for a union of the three houses of Blois, Rome and Calvi. His Holiness, *de motu proprio*, suggested that the affiliation be extended to all the Ursuline Houses throughout the world. Accordingly, Cardinal Satolli directed Mother St. Julian to inform the Ursulines throughout the world of the pope's ardent wishes. A circular was immediately sent to all the Houses and the response was so encouraging that not many months later, in July, 1899, an official letter signed by His Eminence Cardinal Vanutelli, Prefect of the Sacred Congregation of Bishops and Regulars, was sent to all Bishops having Ursulines in their respective Dioceses asking them to consider the matter seriously and to have the decision of the Ursuline religious made by suffrage.

In many Houses the desire for the Union was unanimous. However, some fears were entertained lest the European strictness of cloister, if enforced by proposed Union, might interfere with our work among the children in parochial schools, and the Ursulines of Alton, acting under the advice of our Bishop, the Right Rev. James Ryan, voted unanimously for the Union with a special proviso as to this non-interference.

In November, 1900, at the request of His holiness, Pope Leo XIII, a General Assembly of Ursulines met in Rome. There were nine delegates present from America. The Chapter was opened by Cardinal Satolli who outlined very clearly the wishes of the Holy Father in regard to the proposed Union, and placed the work under the direction of Monsigneur Battandier, protonotary apostolic, one of the most eminent consultors of the Sacred Congregation, and of Rev. Jos. Lemius, Gen. Treasurer of the Oblates of Mary, who addressed the assembled Ursulines in part as follows:

“Rev. Mothers, God, Who in the government of the world embraces alike the great and the small, the general and the particular, nevertheless follows with a more attentive regard and conducts with a more paternal hand those beings who are more dear to Him and closest to His Heart. First of all the Church, after Jesus Christ, and through Jesus Christ the centre of His works; next in this Church souls who devote themselves to Him without reserve, and among those souls as make of this devotedness a profession and form associations for better practising it—that is, Religious Orders, and even among



those Orders, those who must promote His glory by the sublimity of their vocation and the fecundity of their works.

"Yours is among the very first. Illustrious by the name of its foundress; illustrious by its antiquity of more than three centuries; further distinguished by the most fortunate alliance possible of the contemplative and active life, continuing by the former ever in our agitated times the mode of life of the ancient solitaries, and appropriating to itself by the latter the ministry most dear to the Church, that which has for its object childhood; this ministry of the education of youth was inaugurated by the Ursulines; others have followed them, but never have they surpassed them. . . .

"An essential property of Divine Providence is to bring all things into unity for the most jealous care of the Holy Trinity is to place its mark of unity upon all its works. . . . That the Pope desires this unification among the Ursulines is a fact that needs no demonstration. Last Sunday I had the happiness of being at his feet and he said to me: 'Tell the Ursulines that I bless them and express to them my satisfaction that they are here.' Nothing is lacking neither in yourselves nor around you nor above you that can hinder you from accomplishing a work wise and prudent as well as strong and fruitful. In God's name begin your work. Lay the foundations of that edifice of which you are the first stones, an edifice which with God's blessing will increase in dimension and solidity.'"

The Chapter proceeded under the presidency of Monseigneur Batandier. The Holy Father however reserved to himself the privilege of ratifying the choice of officers and the votes of the delegates were sent to His Holiness in triply sealed envelopes for papal sanction. It resulted in the election of Mother St. Julian of Blois as Mother General; Mother Ignatius of Frankfort-on-the-Main, First Assistant; Mother Stanislaue of Aix-en-Provence, Secretary and Third Assistant; Mother Maria Pia of Saluzzo in Italy, Fourth Assistant; Mother St. Sacramento of Bazas, General Treasurer. The new Generalate was thereupon fully established, but the work of creating and arranging, Novitiates and Houses of Study was not settled at this first general chapter. The plan of organization was nevertheless fully outlined in nineteen articles which were clearly drawn up.

When Mother Lucy, the representative from Alton, returned from Rome, she had many interesting items to relate to the Community. Many changes had to be made which required great sacrifices, especially of the older members who were so devoted to cherished community customs. Of the delegates who convened at the first general chapter no two were dressed exactly alike and it was therefore determined to adopt a uniform habit. We have a photograph taken in Rome before the departure of the delegates which from time to time affords much innocent amusement and recreation to the Novices be-

cause of the quaint and in several instances ridiculous style of habit worn by some of the good Sisters at this first general chapter. New habits were made and in the following July when all the Sisters belonging to the Alton Community were home from their various missions for retreat, a day was appointed for adopting the regulation dress. The Sisters were instructed in every detail as to its arrangement, and at ten o'clock one morning all dispersed going to their cells where they found all that was necessary to complete the habit of an Ursuline of the Roman Union. They appeared in the refectory at noon for dinner clothed in their new garb, and we are told that grace was said under difficulties. Each one was glancing at her companion for they could scarcely recognize each other. It was truly a humorous situation and created much laughter. I remember well when our teacher appeared in the classroom for the first time clothed in her different habit; we were delightfully amused and wondered what it all meant. One little mischief whispered across the aisle to her "chum": "Oh look! Mary Evelyn, Sister has on a new bonnet, and it's more becoming too. I didn't know nuns had styles and fashions, did you?" Sister saw our ill-concealed humor and smiling playfully explained with some little embarrassment about the formation of the Union and the change in dress which necessarily resulted therefrom.

One dear old saintly Sister was quite willing to conform to every new regulation, and to relinquish community customs which had grown dearer to her with the passing of the years; but when she exchanged her profession ring, which perhaps had never been removed from her finger since it had been placed thereon at the altar forty years before, two big tears glistened in her soft gray eyes, and placing it in her Superior's hand she sadly remarked: "Mother, it is the one thing on earth I cherish."

However, everyone soon became accustomed to the changes and when school reopened the following September the Sisters returned to the parochial schools, which had in no way been interfered with by the formation of the Union whose purpose it is to foster in every possible way every good work already undertaken by the Institute.

The growth of the Union began at once. Other Communities saw its enormous advantages and sought for affiliation. In 1905 Pope Pius X *de motu proprio* earnestly exhorted all Ursuline Communities which had hitherto remained outside the Institute to join it, and conferred a plenary indulgence on all Ursulines of the Institute in

perpetuity on the anniversary of the approbation of the Union by the Holy See, November 29, 1900.

In the same year twenty-four French Communities of the Roman Union suffered from the decrees of dissolution. Of these twenty-four eight were completely dispersed, and were it not for the protection which the Roman Union affords, these good religious would have been compelled to return to secular life. Seventeen members were warmly welcomed by the Ursulines of the Alton diocese and soon proved themselves invaluable members of the Community both in Springfield and in Alton.

At the second General Assembly in 1907 the growth of the Union was evidenced by the large increase in the number of delegates present. A General Chapter is held in Rome every six years and the Institute is now represented in all parts of the world. A Review devoted to the interests of the Order is published at Rome every three months and reaches all the Houses of the Institute. The Institute has its Coat of Arms which appears on the cover page of the Roman Review.

On closing the Capitulary Sessions of 1910, His Eminence, Cardinal Vives remarked: "The work of the Roman Union has met with and will meet with great difficulties—it is a good sign. How sad it would be if it did not bear the signet of the cross! I would then say it is evident that it is not solid. On the other hand, divine blessings have been showered upon it. The Cardinal also remarked: "The Holy See desires the Ursuline Union, and what the Pope wants God wants. The Church has you under her protection."

The following notes are taken from the report of Rev. Mother General on the condition of the Institute at the close of the General Chapter held in Rome in August, 1920:

"In 1900, in the enumeration of the Houses after the first Capitulary Reunion there were in all sixty-three Houses forming the nucleus of the Roman Union. In the second General Chapter held in May 1907 its proportions had increased to eighty-one Houses and forty-two branch Houses, therefore a total of one hundred twenty-three. Three years after, in 1910, the number had increased to one hundred and thirty-five Houses. Finally, in this Fourth General Chapter the Union consist of no less than one hundred and eighty Houses.

#### THE PROVINCES NUMBER ELEVEN

1. The Greco-Italian—has thirteen communities.
2. Austria and Jugo-Slav—this province was cruelly tried by the War, but nevertheless numbers five Houses all of which are crowded with pupils.



3. Hungary—a province of relatively recent date.

4-5—France, East and West—these two provinces have at present date about fifty establishments directed by Ursulines the greater number wearing secular dress, who are devoting themselves to all kinds of enterprises for the salvation and education of young girls of their native France.

6. Belgium—this province numbers only three Houses.

7. Holland—this province counts five Houses in Holland, eight in Java and one in England.

8-9. The United States North and South. The twenty-two Ursuline Communities are equally divided in each of the Provinces. There are furthermore eleven filial or branch Houses which would make the number of Houses thirty-three. These thirty-three direct seventy-one establishments of which one is a college numbering hundreds of students. Six Indian Missions in Montana; two Eskimo missions in Alaska. The Novitiates are at Dallas and Alton for the South and at Glengard, Fishkill, for the North.

10. Brazil—formed of four Houses and a Novitiate.

11. Latin America—this province comprises the house in Pueblo, Mexico, and those of Havana in the Isle of Cuba.

The Institute at present counts 3,317 members and more than 300 Novices.

S. M. M.

## HISTORIC OLD SHANTYTOWN

Col. Joseph Lee Smith was placed in charge of the garrison then stationed at Fort Howard, but being dissatisfied with the low sandy site and wishing a broader outlook, he commenced work in the year 1820 one and a half mile back from the shore. These soldiers' quarters were called Camp Smith. It was not very long before a number of small log cabins (shanties) sprung up between Camp Smith and the river, giving the name of Shantytown to the place.<sup>1</sup> Here for many years was centered the political, social, and commercial life of Green Bay.

Among the most prominent families residing there at that time were the Ducharmes, Porliers, Solomons, and other French families who had left their homes in Canada and settled in the vicinity of Shantytown in the latter part of the eighteenth century.

In the earlier years of the nineteenth century several English families, among whom were the Bairds, the Whitneys, the Dotys, the Laws, the Irwins, and the Dickinsons made their appearance and settled in the same vicinity. Some of their residences are still standing and others have been destroyed only recently. One of John Law's residences is the old building with the large door in the center, still standing on the east side of the road just north of Hochgreve brewery. Another historic spot is Judge Doty's old home built in 1825, now the Jones place, situated southwest of the Reformatory. Here in 1825 was held the first court session of Brown county, the seat of justice having been established in Shantytown that year. It is only about ten or eleven years ago that the old mission-house situated on the summit of the hill, northeast of the brewery, was taken down. This house was divided in the center by a broad stairway leading to the second floor. Down stairs there were four bedrooms. All the rooms in the house contained large beautiful fireplaces. On one side of this house, Mrs. Baird, that interesting character whose recollections have added much to the interest of this historic old spot, lived. Two of her great-grandchildren, Janet and Dorothy Merrill were graduated from St. Joseph Academy. On the other side of the house lived Mr. Dousman and his daughter Jane, Mrs. Baird's most intimate friend. In speaking of houses, we cannot overlook Colonel

---

The following references were taken from the "Collections of the Wisconsin Historical Society":

<sup>1</sup> Vol. 14, pages 412-430.

Ducharme's beautiful French home. This stood directly south of the present north building of the brewery. The first thing that attracted the traveler was the large spacious porch and roof sloping down to the deep eaves. The beautiful French windows which opened like doors to the veranda, were filled in with very small glass. The house also contained a wide, broad chimney. The inside was just as beautiful and old Colonel Ducharme was justly proud of his home. This interesting character had served in the French army and when settling in Shantytown took with him all his fine military clothes in which he dressed on grand occasions. He was an imposing figure to behold and when he proudly passed by with head held high and shoulders erect the neighbors would slyly wink at each other and say, "I wonder if Colonel Ducharme thinks he can open St. Peter's gates with his grand air and splendid attire."<sup>2</sup>

He had four sons who were very good musicians and many a sleigh ride went merrier still, because of the strains of Louis Ducharme's fiddle, for indeed neither a sleigh ride nor a dancing party was complete without him. Dancing and sleigh rides were the chief amusement and were of very frequent occurrence. Most of them were informal, one friend would tell another to come over that evening and bring a crowd. About seven o'clock all would assemble and the merriment began. Sometimes they only danced an hour or so and then went for a sleigh ride across the country to Dickenson's mills on East river, which was their favorite haunt.<sup>3</sup>

Life on the whole moved merrily indeed, and the most pleasing recreation was the Easter Festival; this was a French and Indian pastime but the English were never loath to join in it. Along in March and even earlier, sometimes, the Indians and French would take their belongings and retreat into the great Maple Forests and begin sugar making always taking care to bring the hens along. They built nests for them about in the woods. When the sap had been boiled and strained they would put the whites of the eggs, (thus the need of chickens) into the syrup causing all the impurities to come to the top which they then skimmed off with great wooden spoons. At Easter time a great Celebration was held, the English heartily joining in, maple sugar and maple syrup being most in evidence. This of course was a great profit-making industry as well as a great pleasure.

The chief business undertaken was fur-trading, each white family having its Indian hunter, who caught the animals and then dressed

---

<sup>2</sup> Vol. 9, pages 322-402.

<sup>3</sup> Vol. 15, page 215.



the skins. In speaking of Indian help, I must not forget to say that the Indian as a rule could not be easily made a servant and in consequence domestic help was very hard to obtain. The laborers they did obtain came from Canada and were called "*manguere de lard*," synonymous with "raw youth." When Daniel Whitney came to Shantytown in 1829,<sup>4</sup> he established a store and greatly increased the commercial life of the place. The only way shoes could be obtained was to wait for the shoemaker, who came every fall and went from house to house making shoes for the whole family, which had to last a year, until the next visit of the shoemaker. The only time the fashions ever changed in matters of dress was when a lady came from the East. She would lend her dress to a neighbor, who would cut a pattern from it and so on, until all the ladies had a dress or hat of the latest style.<sup>5</sup>

It is time now to speak of the education and religious side of this historic old place. In 1820 a Mr. Jacobs started a schoolhouse at Shantytown. John Lawe, Jacques Porter, Johnston and Louis Grignon were selected as members of the school board. It did not succeed very well because of the mixture of nationalities, the Englishmen or Bostonians, as they were sarcastically called, objecting to the presence of Indian and Half-breed children in the schools. Some days, too, it would happen that there would be but one child at school.<sup>6</sup>

In 1827, Rev. Richard Cadle and his sister Sarah established an Episcopal mission-house, church and school at Shantytown. His efforts were attended with quite a degree of success, he being a very lovable character and quick to make friends. Nor was the Catholic Church negligent of her children; with untiring zeal she sent missionary after missionary to the spot and kept the spark of faith ever glowing. About 1831 the great Indian outbreak took place and the life of the white man was ever in danger. To make matters still more terrible, the cholera broke out. Father Vanden Broek, who came with the Sisters of St. Claire, to establish a church and school at Shantytown, gives us a vivid description of that time; day and night he and the Sisters ministered to the sick and the dying, their saintly lives making a very great impression on the Indians as well as on the white man. It was necessary at times to bury six or seven in one grave. No one could be found who would bury them but Father Vanden Broek and Sisters Therese and Clare.<sup>7</sup>

---

<sup>4</sup> Vol. 15, page 220.

<sup>5</sup> <sup>6</sup> <sup>7</sup> Recollections of Mrs. Baird, Vol. 15, pages 273-238-241.

Before closing I must speak about the thing that made Shantytown most important, its political life. As I have said before, the seat of justice was established in Shantytown in 1825. The first county-seat of Brown County was established there in 1829. In the same year was laid the town plat of Shantytown, the first in Wisconsin.<sup>8</sup>

Mr. Irwin was made postmaster in Shantytown in 1825. A man by the name of Clermont was made rural mail carrier. He started out from the Post office at Shantytown taking the Indian trail to Manitowoc, thence to Milwaukee and from there to Chicago, going on foot all the way and returning by the way of Lake Winnebago and the Fox River, the trip taking a month in all. One can imagine the eagerness with which the mail was waited for. Sometimes the people went as far as five or six miles to meet Mr. Clermont returning. In 1892 Mr. Clermont, then 89 years of age, desirous of revisiting Chicago, dressed himself in the identical costume that he wore in the thirties and walked over his old mail route, two hundred and forty miles to Chicago, and back.<sup>9</sup>

In 1830 the county-seat was removed to De Pere and one by one the old settlers left dear old Shantytown to settle either in Green Bay or DePere and the importance of that vicinity faded into the past.

---

<sup>8</sup> Vol. 15, pages 429.

<sup>9</sup> Vol. 15, pages 429-454.

Whatever other data are recorded were gathered together in conversation with those who were as interested as I in the historical phase of this little town.

The more modern name for "Shantytown" is "Allouez," named after the famous Jesuit missionary who brought the light of the true faith to the Indians along the Fox.

## FATHER MARQUETTE'S SECOND JOURNEY TO ILLINOIS

In October (25) 1674, Father Marquette returned to Illinois, and there can be no more certain evidence of his reasons for return, or the manner thereof, than the words of his immediate superior, Rev. Claude Dablon, S. J., whose duty it was to authorize the journey and the establishment of a mission. Father Dablon says:

Father Jacques Marquette, having promised the Illinois on his first voyage to them, in 1673, that he would return to them the following year, to teach them the mysteries of our religion, had much difficulty in keeping his word. The great hardships of his first voyage had brought upon him a bloody flux, and had so weakened him that he was giving up the hope of undertaking a second. However, his sickness decreased; and, as it had almost entirely abated by the close of the summer in the following year, he obtained the permission of his superiors to return to the Illinois and there begin that fair mission.

He set out for that purpose, in the month of November of the year 1674, from the Bay des Puants, with two men, one of whom had made the former voyage with him. During a month of navigation on the Lake of the Illinois, he was tolerably well; but, as soon as the snow began to fall, he was again seized with his bloody flux, which compelled him to halt in the river which leads to the Illinois.

From the commencement of this journey we have Father Marquette's own words in a letter addressed to Father Dablon in the form of a journal.

From this letter we learn that Father Marquette received orders from his superior to proceed to the establishment of the mission which had been in contemplation, and that with "Pierre Porteret and Jacque Le Castor" he departed for the Illinois country about noon of October 25, 1674.

In this communication to Father Dablon Father Marquette makes entries from day to day or from time to time recording the progress of the journey and items of interest in connection therewith. Such entries are made for October 26, 27, 28, 29, 30 and 31, and for November 1, 2, 3, 4, 5, 6, 9, 15, 20, 23 and 27. By December 1st, the party is coming nearer Chicago, and in consequence the letter or journal becomes more applicable to our immediate subject of consideration. The next four entries fix the direct relation of Father



Marquette's approach to and entrance upon the site of what is now Chicago. These entries read as follows:

(December) 1. We went ahead of the savages, so that I might celebrate holy Mass.

3. After saying holy Mass, we embarked, and were compelled to make for a point, so that we could land, on account of floating masses of ice.

4. We started with a favoring wind, and reached the river of the portage, which was frozen to the depth of half a foot; there was more snow there than elsewhere, as well as more tracks of animals and turkeys.

Navigation on the lake is fairly good from one portage to the other, for there is no crossing to be made, and one can land anywhere, unless one persist in going on when the waves are high and the wind is strong. The land bordering it is of no value, except on the prairies. There are eight or ten quite fine rivers. Deer-hunting is very good, as one goes away from the Poutewatamus.

12. As we began yesterday to haul our baggage in order to approach the portage, the Illinois who had left the Poutewatamis arrived, with great difficulty. We were unable to celebrate holy Mass on the day of the Conception, owing to the bad weather and cold. During our stay at the entrance of the river, Pierre and Jacques killed three cattle and four deer, one of which ran some distance with its heart split in two. We contented ourselves with killing three or four turkeys, out of many that came around our cabin because they were almost dying of hunger. Jacques brought in a partridge that he had killed, exactly like those of France except that it had two ruffs, as it were, of three or four feathers as long as a finger, near the head, covering the two sides of the neck where there are no feathers.

These writings furnish the proof of the first authenticated visit of white men to the site that has become Chicago. Upon their authenticity depends their probative value as establishing not only the first visit of white men to the site of this great metropolis, but numerous other facts related or referred to in the writings.

It is fortunate indeed that conclusive proof of the authenticity of Father Marquette's letters to Father Dablon is available.

These letters, like the relations and reports of all of the Jesuit Indian missions, were sent to the superior who, in the case of Father Marquette, happened to be, as above stated, Rev. Claude Dablon, and were held in the mission house until the time of the suppression of the Jesuits, at which time they were brought to the Hotel Dieu in Quebec, and preserved there. True, extracts from them were sent to France and published there shortly after Father Marquette's death, but the original letters lay untouched from the

time they were deposited in the convent at Quebec in 1763 until 1852, when the historian, John Gilmary Shea, discovered them there and published them, together with an English translation.

The originals, in the handwriting of Father Marquette himself, still exist, and the great non-Catholic historian and compiler, Reuben Gold Thwaite, has done posterity a great service in gathering those, along with hundreds of other letters and relations, which he has included in the monumental work of seventy volumes known as the *Jesuit Relations*.

With respect to the Marquette journal, which we have under immediate consideration, and also the letters of Father Marquette to Father Dablon, describing his first voyage down the Mississippi and up the Illinois, Mr. Thwaite has not only given us the French text and an English translation, but as well a *fac simile* photographic copy of the original letters.

#### FATHER MARQUETTE AT THE MOUTH OF THE RIVER

On that winter day when the first white men ever known to have seen the site of Chicago stepped from their canoe, they probably scrambled over a border of ice along the lake front. They found the ground covered with snow, and immediately had their attention attracted by the tracks of animals and turkeys.

We can follow the three lonely travelers as they set about preparations for a stay of some length on the lake shore. To familiarize the location it is necessary to remember that at the time of this first visit of white men the Chicago river wended its course southward from its present channel along the lake for about a quarter of a mile, and emptied into the lake at a point corresponding to our present Madison Street. The soldiers of the Fort Dearborn Garrison, under instructions from the War Department in 1824 cut a channel from the main Chicago river almost directly eastward to the lake, which has become the mouth of the Chicago river as we now know it, and the old channel in the course of time was filled up and has become a part of the underlying ground between Wabash and Michigan Avenues.

We are not definitely advised as to the reasons, but it appears from Marquette's letter or journal that he and his companions remained at the mouth of the river from the day of their landing, December 4th, until the 11th of the same month.

At a distance of nearly two hundred and fifty years it is interesting even to speculate as to how these seven days were spent. As

to what was done a part of the time at least we are not left in doubt. To begin with they built a cabin. This we can be reasonably sure of, for Father Marquette tells us that many turkeys "came around our cabin." The character and appearance of the woods cabin is well established, and accordingly representations of the first habitation of white men on the site of Chicago, portraying the Marquette hut on the shores of the lake at the mouth of the Chicago river, are thoroughly justified, and a reproduction of the Marquette cabin, perhaps of granite, but of similar appearance, would constitute an appropriate part of a monument or memorial of this most important incident in the history of Chicago.

Father Marquette also tells us that "during our stay at the entrance of the river Pierre and Jacques killed three cattle and four deer" and notes that one of the deer "ran some distance with its heart split in two."

Around their temporary habitation gathered numbers of wild turkeys "almost dying of hunger." They contented themselves with killing three or four. "Jacques brought in a partridge that he had killed" and Father Marquette notes that it was exactly like those of France, except that it had two ruffs, as it were, of three or four feathers as long as a finger near the head covering the two sides of the neck where there are no feathers.

So they provided their meager comforts in the way of a cabin, and for their daily necessities by killing deer, cattle, and turkeys. Besides and no doubt before providing for their daily necessities Father Marquette saw to it that the Maker and Giver of all blessings was accorded due recognition. Since the beginning of their journey they have been from time to time thrown in with bands of Indians,—first of the Illinois tribes; then of the Pottawatomi, and afterwards the Mascoutins. We are assured by the entry of December 1st, that Father Marquette and his men "went ahead of the savages so that (he) I might celebrate holy Mass," and again by the entry of December 3rd, that they embarked "after saying holy Mass." Indeed, he assures us under an entry in his journal of March 30th, that he was able to say Mass every day. There was possibly one exception, that being December 8th. With respect to that day Father Marquette says: "We were unable to celebrate holy Mass on the day of the Conception, owing to the bad weather and cold." This regrettable occurrence was duly made up for on the 15th, in the new location, however, for Father Marquette tells us that after getting rid of a band of Illinois Indians, headed by Chachagwessiou, "we said the Mass of the Conception."



Accordingly, there is occasion for slight doubt that the first words uttered by the first white man on the morning of his landing upon the site of Chicago, after signing himself with the cross and invoking the blessing of the Holy Trinity were *Introibo ad altare Dei*, and suiting the action to the word the missionary proceeded to the rude altar constructed in the lonely cabin, and there re-enacted the ever memorable last supper. From that little altar and in that rude cabin went up to Heaven the first prayers ever uttered within the confines of Chicago, and the first act of Christian worship was there performed.

Here, too, we may definitely locate the first confessional and the first holy table. The penitents and communicants were few, but no doubt consolingly sincere. Father Dablon, speaking of Marquette's two companions, says: "He confessed them and administered communion to them twice in the week, and exhorted them as much as his strength permitted him. Thus was the first channel of saving grace opened upon the site of Chicago.

The lake front was but a station in the devout missionary's difficult way. He must be about his Father's business, and so on the 11th of December he tells us, "We began . . . to haul our baggage in order to approach the portage." They could no longer row with the canoes in the direction they desired to proceed, because they found the river "frozen to the depth of half a foot."

This first known journey of white men across the site of one of the greatest cities of the world must challenge our contemplation. Behold a holy man waging a persevering warfare with death, staking his life against the ulterior powers that enthrall the savage. Like his Heavenly Master he had his *via crucis* and was soon to reach his Golgotha. From our present position, were it not for structures reared in the course of development since that day, we could look out and behold that momentous procession;—possibly some savage companions leading the way; then the improvised sledge, in which was carried all the missionary's earthly possessions, and, finally, the holy man himself bringing up the rear. At this distance from that momentous day, having learned to revere Father Marquette, and being justified in believing him a distinguished member of the court of heaven, and in rapt imagination now gazing upon this interesting spectacle, we can form some conception of what those blind men of Jericho felt when the Blessed Saviour and the multitude swept along and with blanched countenances and bated breath they whispered, "Jesus of Nazareth passeth by."

History has assigned to Father Marquette a place higher than that of any other human being that ever trod the soil of Illinois. What a joy it would be, therefore, if we were able to trace out each foot print and mark it indelibly. This we cannot do, but we can be reasonably certain that he hallowed the course of the Chicago river by his presence.

#### NEAR THE PORTAGE

Marquette tells us that they continued this journey for "two leagues up the river." Some speculation has been indulged in as to the exact point reached at the end of the two leagues' progress. There is difficulty in the first place in determining the length of a league. At different times and under different circumstances France has had a linear measure which made a league at one time 2.42 miles; at another time 2.764, and at still another time 3.52 miles. Near about the time that Marquette made this journey the posting league of the French was 3.52 miles, so that full two leagues would mean about seven miles.

It should be said that the site of the Marquette cabin, as agreed upon after considerable investigation, is now marked with a large cross, with which travelers on the Chicago & Alton Railroad are familiar. With respect to this site the historian, J. Seymour Currey, in his monumental work, speaks as follows:

The location of the cabin in which Marquette spent the winter of 1674-5 is now marked with a cross made of mahogany wood, at the base of which is a bronze tablet with an inscription. The site was fixed upon in 1905 by a committee of the Chicago Historical Society, under the guidance of the late Mr. Ossian Guthrie, an intelligent and devoted student of our local antiquities, with a view of marking the spot in a suitable manner. An entire day was spent by the party in driving and walking over many miles of country in order to compare the topography with the journal of the missionary, and a series of photographs taken. The investigations resulted in confirming the opinions of Mr. Guthrie, namely, that Marquette's winter cabin was situated on the north bank of the south branch of the Chicago river at the point where now it is intersected by Robey Street, and from which at the present time can be seen, by looking westward, the entrance to the great drainage canal. While the Society was making plans for placing a memorial on the spot other parties took up the project and placed the cross and inscription there; though it is to be regretted that no mention was made in the inscription of Mr. Guthrie's researches in identifying the site, for it is solely due to his investigations that the site was determined. The "Marquette Cross" stands about fifteen feet high, firmly planted

on a pedestal of concrete; and near it stands a wrought iron cross three feet in height, which, however, has no historical connection with the famous missionary, as it was taken from a burying ground in Cahokia, where it marked the grave of some old time French resident.

Mr. Currey's remarks should be supplemented by the further statement that the investigators of whom he speaks were Dr. Otto L. Schmidt, for many years President of the Illinois State Historical Society, and Chairman of the Illinois State Centennial Commission; Miss Caroline McIlvain, Librarian of the Chicago Historical Society; Mr. H. S. Kerfoot, an extensive real estate dealer, and Thomas A. O'Shaughnessy, artist, historian and writer, the latter the moving spirit in the work. Mr. O'Shaughnessy was closely associated with Mr. Guthrie in all his investigations of this matter, and examined all his notes and datas.

At the request of Mr. O'Shaughnessy the Willy Lumber Company manufactured at their own expense the mahogany cross.

The cross first erected was maliciously destroyed some time after the dedication, but was replaced by the Willy Lumber Company, the donors of the original cross.

#### LIFE NEAR THE PORTAGE

"Having encamped near the portage, two leagues up the river, we resolved to winter there, as it was impossible to go farther, since we were too much hindered and my ailment did not permit me to give myself much fatigue," thus Father Marquette chronicles the decision to remain for the time being near the portage.

It is interesting again to inquire into the life of these first white men at this new point, which also is within the present limits of Chicago.

To begin with a dwelling place was needed, and "they constructed a cabin in which to pass the winter." It has been stated by some writers that Marquette and his companions occupied a cabin constructed by some hunters, and some have speculated upon the identity of the hunters. This seems to be erroneous, since Father Dablon states specifically that "they constructed a cabin in which to pass the winter." In the judgment of the writer the statements of Father Dablon deserve almost equal credibility with those of Father Marquette himself. It is known that the men who accompanied Father Marquette, Pierre and Jacques, returned to the mission immediately after Father Marquette's death. They were undoubtedly men of considerable intelligence. One of them accompanied Father Mar-



quette on the first voyage, made with Jolliet, as well as upon the second one, and undoubtedly gave Father Dablon a circumstantial account of everything that happened, so that in addition to the writings of Father Marquette, which were delivered into his hands, Father Dablon had the verbal statement of these two Frenchmen, who were eye witnesses to everything that transpired, and were of course themselves, largely at least, the builders of the cabin.

It should be sufficient for the present purpose simply to quote Marquette's journal for his experience in the cabin on the river during the period from his arrival there, on the 12th of December, 1674, to his last entry made on the 6th of April, 1675. These entries read as follows:

(December) 14. Having encamped near the portage, two leagues up the river, we resolved to winter there, as it was impossible to go farther, since we were too much hindered and my ailment did not permit me to give myself much fatigue. Several Illinois passed yesterday, on their way to carry their furs to Nawaskingwe; we gave them one of the cattle and one of the deer that Jacques had killed on the previous day. I do not think that I have ever seen any savages more eager for French tobacco than they. They came and threw beaver-skins at our feet to get some pieces of it; but we returned these, giving them some pipefuls of the tobacco because we had not yet decided whether we would go farther.

15. Chachagwessiou and the other Illinois left us, to go and join their people and give them the goods that they had brought, in order to obtain their robes. In this they act like the traders, and give hardly any more than do the French. I instructed them before their departure deferring the holding of a council until the spring, when I should be in their village. They traded us three fine robes of ox-skins for a cubit of tobacco; these were very useful to us during the winter. Being thus rid of them, we said the Mass of the Conception. After the 14th, my disease turned into a bloody flux.

30. Jacques arrived from the Illinois village, which is only six leagues from here; there they were suffering from hunger, because the cold and snow prevented them from hunting. Some of them notified La Toupine and the surgeon that we were here; and, as they could not leave their cabin, they had so frightened the savages, believing that we should suffer from hunger if we remained here, that Jacques had much difficulty in preventing fifteen young men from coming to carry away all our belongings.

(January) 16, 1675. As soon as the two Frenchmen learned that my illness prevented me from going to them, the surgeon came here with a savage, to bring us some blueberries and corn. They are eighteen leagues from here, in a fine place for hunting cattle, deer and turkeys, which are excellent there. They had also collected provisions while waiting for us; and had given the savages to under-

stand that their cabin belonged to the black gown; and it may be said that they have done and said all that could be expected of them. After the surgeon had spent some time here, in order to perform his devotions, I sent Jacque with him to tell the Illinois near that place that my illness prevented me from going to see them; and that I would even have some difficulty in going there in the spring, if it continued.

24. Jacque returned with a sack of corn and other delicacies, which the French had given him for me. He also brought the tongues and flesh of two cattle, which a savage and he had killed near here. But all the animals feel the bad weather.

26. Three Illinois brought us, on behalf of the elders, two sacks of corn, some dried meat, pumpkins, and twelve beaver-skins: first, to make me a mat; second, to ask me for powder; third, that we might not be hungry; fourth, to obtain a few goods. I replied: first, that I had come to instruct them, by speaking to them of prayers, etc.; second, that I would give them no powder, because we sought to restore peace everywhere, and I did not wish them to begin war with the Muiamis; third, that we feared not hunger; fourth, that I would encourage the French to bring them goods, and that they must give satisfaction to those who were among them for the beads which they had taken as soon as the surgeon started to come here. As they had come a distance of twenty leagues, I gave them, in order to reward them for their trouble and for what they had brought me, a hatchet, two knives, three clasp-knives, ten brasses of glass beads, and two double mirrors, telling them that I would endeavor to go to the village, for a few days only, if my illness continued. They told me to take courage, and to remain and die in their country; and that they had been informed that I would remain there for a long time.

(February) 9. Since we addressed ourselves to the Blessed Virgin Immaculate, and commenced a novena with a Mass, at which Pierre and Jacque, who do everything they can to relieve me, received communion, to ask God to restore my health, my bloody flux has left me, and all that remains is a weakness of the stomach. I am beginning to feel much better, and to regain my strength. Out of a cabin of Illinois, who encamped near us for a month, a portion have again taken the road to the Poutewatamis, and some are still on the lake-shore, where they wait until navigation is open. They bear letters for our Fathers of St. Francis.

20. We have had opportunity to observe the tides coming in from the lake, which rise and fall several times a day; and, although there seems to be no shelter in the lake, we have seen the ice going against the wind. These tides made the water good or bad, because that which flows from above comes from prairies and small streams. The deer, which are plentiful near the lake-shore, are so lean that we had to abandon some of those which we had killed.

(March) 23. We killed several partridges, only the males of which had ruffs on the neck, the females not having any. These partridges are very good, but not like those of France.

30. The north wind delayed the thaw until the 25th of March, when it set in with a south wind. On the very next day, game began to make its appearance. We killed thirty pigeons, which I found better than those down the great river; but they are smaller, both old and young. On the 28th, the ice broke up, and stopped above us. On the 29th, the waters rose so high that he had barely time to decamp, as fast as possible, putting our goods in the trees, and trying to sleep on a hillock. The water gained on us nearly all night, but there was a slight freeze, and the water fell a little, while we were near our packages. The barrier has just broken, the ice has drifted away; and, because the water is already rising, we are about to embark to continue our journey.

The Blessed Virgin Immaculate has taken such care of us during our wintering that we have not lacked provisions, and have still remaining a large sack of corn, with some meat and fat. We also lived very pleasantly, for my illness did not prevent me from saying holy Mass every day. We were unable to keep Lent, except on Fridays and Saturdays.

31. We started yesterday and travelled three leagues up the river without finding any portage. We hauled our goods probably about half an arpent. Besides this discharge, the river has another one by which we are to go down. The very high lands alone are not flooded. At the place where we are the water has risen more than twelve feet. This is where we began our portage eighteen months ago. Bustards and ducks pass continually; we contented ourselves with seven. The ice, which is still drifting down, keeps us here, as we do not know in which condition the lower part of the river is.

(April) 1. As I do not yet know whether I shall remain next summer in the village, on account of my diarrhoea, we leave here part of our goods, those with which we can dispense, and especially a sack of corn. While a strong south wind delays us, we hope to go tomorrow to the place where the French are, at a distance of fifteen leagues from here.

6. Strong winds and the cold prevent us from proceeding. The two lakes over which we passed are full of bustards, geese, ducks, cranes, and other game unknown to us. The rapids are quite dangerous in some places. We have just met the surgeon, with a savage who was going up with a canoe-load of furs; but, as the cold is too great for persons who are obliged to drag their canoes in the water, he has made a cache of his beaver-skins, and returns to the village tomorrow with us. If the French procure robes in this country, they do not disrobe the savages, so great are the hardships that must be endured to obtain them.

This letter or journal is addressed

“To my Reverend Father, Father Claude Dablon, Superior of the Missions of the Society of Jesus, New France, Quebec.”

Two endorsements appear on the letter, as follows:

“Letter and Journal of the late Father Marquette” and “Everything concerning Father Marquette’s voyage.”



Succinctly, as is seen, Father Marquette has left to the world a description of the every-day doings of the first white men who ever inhabited the territory now within the boundaries of Chicago. Father Marquette's notations make it apparent that there were two Frenchmen dwelling not far distant from his cabin during the same time. These no doubt were temporary sojourners who had learned of the locality and the route by which it might be reached through Father Marquette's report of his former journey. They were not afterwards known to be in the territory and undoubtedly remained but a short time.

The holy life led by the saintly missionary in his lone cabin made manifest to the numerous savages that passed in a body, gathered about, or dwelt near, and to the French hunters, as well as by the Father's simple narrative, has left an indelible impression.

To follow the missionary to his objective and recount the culmination of his life's labors in the establishment of the Illinois Church, and afterwards to his lonely death at the river side, near what is now Ludington, Michigan, will be the task set for a future number.

JOSEPH J. THOMPSON.

*Chicago.*

# THE CATHOLIC CLERGY OF ILLINOIS

## I. PASTORS AND MISSIONARIES PRIOR TO THE ERECTION OF THE CHICAGO DIOCESE.

The Jesuits were the first clergymen in Illinois. Rev. James Marquette, S. J. was the founder of the Church and the predecessor of the noble self-sacrificing body of men who have spread and maintained the Gospel of Christ according to the doctrines of the Catholic Church in what is now known as the State of Illinois.

During the Indian missionary period Father Marquette was succeeded by fellow-priests of his order, among whom were Father Claude Jean Allouez; Father Sebastien Rale; Father Jacque Gravier; Father Pierre Francois Pinet; Father Julien Bineteau; Father Pierre Gabriel Marest; Father Jean Mermet; Father Louis Marie de Ville; Father Jean Charles Guymoneau; Father Joseph Francois de Kereben; Father Jean Antoine le Boulenger; Father Nicholas Ignace de Beaubois; Father Jean Dumas; Father Rene Tartarin; Father Philibert Watrin; Father Etienne Doutreleau; Father Alexis Xavier Guyenne; Father Louis Vivier; Father Julien Joseph Fourre; Father Jean Baptiste Aubert and Father Sebastien Louis Meurin. The care of these missionaries extended from 1673 to 1777.

During the same period Fathers of the same order visited the territory and administered temporarily amongst whom may be named: Joseph de Limoges; Pierre Francoise Xavier de Charlevoix; Francois Buisson; Michael Cuignas; Paul du Poisson; Mathurin le Petit; Jean Souel; Michel Baudouin; Jean Pierre Aulneau; Pierre du Jaunay; Antoine Senat; Jean-Baptiste de la Morinie; Claude Joseph Virot; Julien Devernai and Nicholas le Febvre.

Contemporary with the Jesuits, or, at least coming soon after the Jesuits began their ministrations, were the following priests and missionaries: In 1680 came Rev. Gabriel de la Ribourde, Rev. Zenobius Membre, and Rev. Louis Henepin, all Recollect Franciscans.

In 1884 came Abbe Jean Cavelier, Sulpecian, and Rev. Anastasius Douay, Franciscan.

In 1699 Rev. Francois Jolliet Montigny; Rev. Francois Buisson de Saint Cosme and Rev. Anthony Davion, all priests from the Seminary of Foreign Missions in Canada, came. Father Saint Cosme remained and established the foundation of the Fathers of the Foreign Missions at Cahokia. He was succeeded by Rev. John Bergier,

Rev. Dominic Mary Varley, Rev. Dominic Anthony Thaumur de la Source, Rev. John le Mercier, Rev. G. Galvarin, Rev. Joseph Courrier, Rev. Joseph Gaston, Abbe Joseph Gagnon, Abbe Nicholas Laurenz, and Rev. Francois Forget Duverger, all priests of the Seminary of Foreign Missions. Their ministrations in Cahokia extended from 1699 to the year 1763.

### MARTYRS TO THE FAITH

Amongst these early priests there were several who would apparently qualify as martyrs and without including those who had literally worn their lives out in the service, like Father Marquette and Father Sebastien Louis Meurin, there were at least six who suffered violent deaths at the hands of the savages.

The first to give up his life on the soil of Illinois for the faith was the aged and gentle Superior of the Recollects, the Reverend Gabriel de la Ribourde. Father Ribourde was of gentle birth of a wealthy family and being nearly eighty years of age was in a position to have retired and spend the evening of his life in ease, but instead chose the Indian missions of America, and coming here with La Salle on his first voyage to Illinois, he remained with Father Zenobius Membre, another Recollect at Peoria for four or five months in the year 1680.

The Illinois Indians having been routed by the Iroquois, Henry de Tonti, Father Membre and Father Ribourde found it necessary to abandon the Illinois River for the time being. In May, 1680, they embarked in a canoe to paddle up the river, and the canoe needing repairs, they landed on May 19, 1680, about eighteen or twenty miles above Starved Rock not far from what is now Morris. While Tonti and Father Membre were attempting to repair the canoe, Father Ribourde wandered off from the river bank, reading his breviary and was set upon by a band of Kickapoo Indians and killed.

Although Father Membre escaped death on this occasion it was only to perish in 1687 at the hands of hostile Indians in the settlement which La Salle founded in Texas.

Next in order of the martyrs was Reverend Francis Buisson de Saint Cosme of the Fathers of the Seminary for Foreign Missions. After serving in the Holy Family mission at Cahokia for a short time Father St. Cosme removed to the south and was waylaid by Indians along the Mississippi and killed in 1706.



The next of the missionaries to suffer death at the hands of the Indians was Rev. James Gravier, S. J. Father Gravier had been Vicar-General of the Illinois missions and labored for nine years in the vicinity of Peoria. During the course of his missionary work a libertine Indian who rebelled against church discipline and who, being overcome by Father Gravier's influence, organized an opposition, and when the opportunity presented he and his band attacked Father Gravier, wounded him several times and shot an arrow into his arm which could not be removed but caused his death after much suffering in 1708.

Father Sebastien Rale, S. J., was another of the early missionaries who suffered a violent death for the faith. His tragic death in the Abenaki Mission where he had served so faithfully and successfully for thirty years after he left the Illinois, is one of the saddest chapters in American history. The gifted missionary became a pawn of war and a victim of the English in their fight for supremacy over the French. Under the pretext that Father Rale prevented the Abenaki Indians from joining the British in their wars, he was condemned to death by the British authorities, and several attempts were made to take his life. A price of one thousand pounds sterling was put upon his head. At length in August, 1724, eleven thousand British and Indian troops attacked the Abenaki village where Father Rale was staying, with the purpose of his capture. Father Rale, knowing that he alone was the object of their search, would not permit the fifty defenders of the village to be shot down in his defense, though they were most willing to die for him. He, therefore, discovered himself to the invaders. He was not mistaken. A loud shout greeted his appearance. The man they had so often failed to find was before them. Their muskets covered him and he fell, riddled with bullets, at the foot of the cross which he had planted in the center of the village. They crushed in his skull with hatchets again and again, filled his eyes and mouth with filth, tore off his scalp, which they sold afterwards at Boston and stripped his body of its soutane, but as it was too ragged to keep, they flung it back on the corpse. The murder of Father Rale was in part, the fruit of Puritan bigotry, and was indeed gloried in as the "singular work of God." However, there has been a great change of sentiment, and the grave of Father Rale at Norridgewalk Falls in the Portland Diocese of the State of Maine, near the spot where he was so cruelly killed, is marked by a granite shaft, and is now a place of pious pilgrimage.

In 1736 one of the greatest tragedies of that tragical century occurred. Rev. Antonius Senat, S. J., who had labored at Peoria, but was at the time the resident missionary of Vincennes, went with the garrison of Vincennes and another garrison from Kaskaskia, Illinois, as chaplain in an expedition against the Chickasaw Indians. Through an unpropitious occurrence the commanders of the expedition, Pierre D'Artaguet, Commandant in Illinois, and Francis Morgan, better known as Vincennes, of Vincennes, with a number of others, fell into the hands of the Chickasaw. Father Senat, the chaplain, would not leave them to suffer at the hands of the Indians without religious ministrations and also remained prisoner although he was offered his freedom. On March 25, 1736, the prisoners were led out in sight of the funeral pyre which the Indians were building and when all was in readiness they were brought to the fire, securely tied and slowly roasted to death. To the last moment Father Senat exhorted his fellow-sufferers to meet their punishment with fortitude and trust in God for their eternal salvation.

The next missionary to suffer a violent death at the hands of the Indians was Abbe Joseph Gagnon, who was killed shortly after arriving in the Illinois country and not far from the Holy Family mission at Cahokia.

#### AFTER THE BANISHMENT OF THE JESUITS.

As will be remembered, the Jesuits were banished from the French dominion, or, rather more properly speaking, from the domain that had been French, by the infidel superior council at New Orleans, in 1763, and Father Forget Duverger, the last of the Fathers of the Foreign Missions, anticipating similar treatment, left at the same time, so that in all of the territory now known as Illinois, there were for a short time at least only two priests. These two remaining priests were Fathers Luke and Hippolyte Collet, who apparently had been in the military service as chaplains with the French forces. Father Leonard Philibert Collet, who took in religion the name of Luke, had been chaplain at the French posts in Pennsylvania, Presquile and Riviere Aux Boeufs. They were both at the time located at St. Anne du Fort Chartres. Father Hippolyte Collet had been in St. Anne's since May, 1759, and Father Luke Collet since May, 1761. They attended St. Anne's at Fort Chartres, the Visitation at St. Phillippes and St. Joseph's at Prairie du Rocher. Father Hippolyte Collet left the Illinois country in 1764 and Father Luke Collet died at St. Anne's Fort Chartres on September 10, 1765, and was

buried there, but later his remains were removed to St. Joseph's at Prairie du Rocher.

It will be recalled that Father Sebastien Louis Meurin, S. J., after much vexatious treatment was permitted to return and arrived in his old neighborhood early in the year 1764, but at first made his home in St. Genevieve, Mo., from whence he visited the missions on the Illinois side.

After repeated requests for help on the part of Father Meurin the Bishop of Quebec sent to the missions in 1768 the great patriot priest—the second Marquette—Very Rev. Pierre Gibault.

Father Gibault arrived in the Illinois country in September, 1768, and for twenty-one years was the leading spirit of the entire Middle West on both sides of the Mississippi. He restored the Church and brought order out of the chaos that existed. He was a brilliant man, highly educated, eloquent and well informed. He kept abreast of the times and was from the very earliest a champion of the American cause, of which he was well informed before George Rogers Clark conceived the conquest of the Northwest; and when Clark, under the authority of the Assembly of Virginia and Governor Patrick Henry, undertook the conquest of the Northwest, Gibault became the central figure in the events which led to the espousal by the inhabitants of the Northwest of the American cause. He was not only one of the ablest and most successful priests that had yet been in the Illinois country, but the greatest patriot of the Northwest in Revolutionary times.

Father Gibault and Father Meurin covered the field together and alone until the death of Father Meurin which occurred on the 23rd of February, 1777. For some years until 1785 Father Gibault was alone in the territory. He, with his parishioners, had struggled through the Revolutionary War and the trying years succeeding and had lived to find himself in a new ecclesiastical jurisdiction, being now subject to Prefect Apostolic John Carroll, appointed to have charge of the Church in the United States.

#### THE EPISCOPATE OF BISHOP CARROLL.

In 1785 the Prefect Apostolic sent Father Paul de St. Pierre, a Discalced Carmelite, to the territory. Father de Saint Pierre proved a devoted priest and ministered to the inhabitants of the Illinois country for five years.

In the process of gathering up the reins of Church government Prefect Apostolic, now Bishop Carroll, appointed Rev. Peter Huet



de la Valiniere his vicar-general for the Illinois country, who arrived in Kaskaskia in 1785. Father Valiniere, though a good and pious priest, proved a great disturber in the new territory, and did little more than create much turmoil. The difficulties raised by him were, however, soon overcome when Bishop Carroll sent a band of Sulpicians to the West. Amongst them were Rev. Michael Levadoux and Rev. Gabriel Richard, who came to Illinois and officiated in all of the Illinois missions with great success.

Father Charles Leander Lusson was sent by Bishop Carroll to Cahokia in 1798.

In February, 1799, Fathers John and Donatien Olivier arrived in Illinois. Father John was stationed at Cahokia and Father Donatien at Kaskaskia and Prairie du Rocher.

Father Donatien Olivier for more than thirty years was the leading spirit and principal proponent of the Christian religion in the states of Illinois, Indiana and Missouri. He became the vicar-general of Bishop Carroll in the Illinois country and inducted Bishop Flaget into his See. He was the Tribune of the people and the Herald of the Bishop upon all functions and visitations; a man of singular piety and great eloquence and most active in all of this difficult period in the experience of the Illinois Church.

Governor Reynolds in his historical work, *My Own Times*, speaking of Father Olivier said, "One of the ancient pioneer clergymen was the celebrated Oliver of Prairie du Rocher, Randolph County. This reverend divine was a native of Italy and was a high dignitary of the Roman Catholic Church for more than half a century. He acquired a great reputation for his sanctity and holiness and some believed him possessed of the power to perform small miracles, to which he made no pretensions." Governor Reynolds is probably mistaken about his nationality. It is more likely that he was French as he came to America from France in 1794 with Rev. William Louis Du Bourg, afterwards Bishop of New Orleans.

Father Olivier was greatly admired by Bishop Benedict Joseph Flaget, first Bishop of the Diocese of Bardstown, and by Bishop William Du Bourg, bishop of New Orleans, both of whom relied upon him and spoke of him in the highest terms.

#### RELIGIOUS AND CIVIC LEADERS.

Father Olivier was the last of the long line of priests who were not only the spiritual but the civic leaders of their time. From the very earliest days in Illinois to the time of his death there had existed

this sort of leadership. After the death of Father Marquette the mantle fell upon the shoulders of Father Claude Jean Allouez, S. J. It was next assumed by Father James Gravier, S. J. The next to exercise absolute sway both in religious and civil affairs was Rev. Gabriel Marest, S. J. After him came Rev. Jean Antoine le Boulenger, S. J., followed by the Rev. Philibert Watrin, S. J., then by Rev. Sebastien Louis Meurin, S. J., who gave way to the young, strong secular priest and patriot, Rev. Pierre Gibault. Father Donatien Olivier succeeded to the popularity and influence over spiritual and temporal affairs and sustained it with great credit for a third of a century.

It was Father Olivier that occupied the place of honor at the banquet tendered Marquis de Lafayette when he visited Kaskaskia on the 30th day of April, 1825. On that occasion Father Olivier sat at the left hand of the distinguished guest and Pierre Menard at his right. It was Father Olivier, too, to whom the inhabitants, regardless of creed or condition and of their former conduct, fled, begging for the rights of the Church and last absolution in the excitement of the earthquake which visited the region in 1811.

Not alone as vicar-general of Bishop Carroll and of Bishops Flaget and Dubourg, but as well by reason of his great probity and piety, Father Olivier was by common consent the leader. By the French Catholics he was revered as a saint. He was admired for his child-like simplicity and unaffected piety, which traits he continued to exhibit in the midst of his apostolic labors until old age compelled him to abandon the field and prepare for death in retirement. He died on the 29th of January, 1841, at the Seminary of the Barrens in Missouri at the advanced age of 95 years.

Like Melchisedech these great men were both king and priest. Speaking especially of the Jesuits Judge Sidney Breese, one of the earliest and ablest judges of the Supreme Court of the State, said: "No evidence is to be found among our early records of the exercise of any controlling power save the Jesuits up to the time of the grant to Crozat in 1712, and I have no idea that any such existed in the shape of government or that there was any other social organization than that effected by them of which they were the head," and Blanchard in his "Discovery and Conquest of the Northwest," says: "The French villages in the Illinois country as well as most other places were each under the government of a priest, who, besides attending to their spiritual wants, dispensed justice to them, and from his decision there was no appeal. Though this authority was

absolute the records of the times discloses no abuse of it, but on the contrary, proof that it was used with paternal care.”

The same was almost equally true of the successors of the Jesuits, Fathers Pierre Gibault and Donatien Olivier. Before the end of Father Olivier's time many English speaking people came into the territory—indeed the country was organized as a territory and as a state, but Father Olivier was the most influential man in the territory and state almost so long as he remained in health.

#### BETTER ORGANIZATION.

During Father Olivier's lifetime the Church began to be more closely organized. The diocese of New Orleans was created in 1793, and the diocese of Bardstown, or Louisville, Kentucky, was created in 1808. For New Orleans Right Reverend William Du Bourg was made bishop and at Bardstown Right Reverend Benedict Joseph Flaget was bishop. These two prelates assumed the management of church affairs in the Illinois country, and when later the diocese of St. Louis was created in 1826 and Right Rev. Joseph Rosati was made bishop, he was given ecclesiastical jurisdiction over a large part of Illinois. And when in 1834 the diocese of Vincennes was created and Right Rev. Simon William Gabriel Brute was made Bishop, those prelates and their successors exercised a sort of joint jurisdiction over Illinois until the Chicago diocese was created. Bishop Brute became the leader in the eastern part of the state and Bishop Rosati in the western part and the clergy who labored in the field in the early days of the 19th century, with a few exceptions, belonged to these two dioceses.

It seems that there were at least three clergymen who labored in Illinois during this period for whom the Bishop of Bardstown was responsible. These were Rev. Stephen Theodore Badin, Rev. F. Savine and Rev. Elisha Durbin. Two of these clergymen are referred to later as nineteenth century missionaries. As for the other, Father Savine, it may be said that he served several years at Cahokia.

As has already been seen the bishop of Vincennes sent into the territory the priests who labored around Chicago, namely, Rev. Timothy O'Meara, Rev. Bernard Schaffer, Rev. Maurice de Saint Palais, Rev. Francis Joseph Fischer, Rev. Hippolyte du Pentavice, Rev. John Francis Plunket and Rev. John Gueguen. The rest of the clergymen who labored in Illinois prior to the creation of the diocese of Chicago, with three exceptions, came from the diocese of St. Louis. The three exceptions were Rev. Samuel Mazuchelli, O. P., Rev. Vincent



Badin, Brother Rev. Stephen Theodore Badin, who came from the diocese of Detroit, both of whom did missionary work about Galena, and Rev. Rengus Petiot, who also labored at Galena, but apparently came from the diocese of Dubuque.

The great bulk of the clergy of this period, it will be seen, came from or were attached to the diocese of St. Louis, including the following: Rev. Hercules Brassac, Rev. Francis Cellini, C. M., Rev. Francis Xavier Dahman, Rev. Pierre Vergani, C. M., Rev. John Timon, C. M., Rev. Charles Felix Van Quickenborne, S. J., Rev. Peter J. Doutreluingue, C. M., Rev. G. Lutz, Rev. P. Borgna, Rev. Victor Pallaisson, S. J., Rev. A. Maserooni, Rev. John Francis Regis Loisel, Rev. Vitalis Van Cloostere, Rev. J. N. Odin, C. M., Rev. E. Dupuy, C. M., Rev. Matthew Condamine, Rev. John McMahon, Rev. John Mary Ireneaus St. Cyr, Rev. Peter Paul Lefevre, Rev. L. Picot, Rev. Charles F. Fitz Maurice, Rev. B. Roux, Rev. Joseph N. Wiseman, Rev. Francis B. Jamison, Rev. G. Walters, S. J., Rev. J. B. Healy, Rev. Stanislaus Buteau, Rev. Felix Verreydt, S. J., Rev. Ambrose G. Heim, Rev. Timothy Joseph Conway, Rev. Louis Aloysius Parodi, C. M., Rev. George Hamilton, Rev. Hilary Tucker, Rev. Augustus Brickwedde, Rev. John Blassius Raho, C. M., Rev. Charles Meyer, Rev. M. O'Reilly, Rev. M. Ward, Rev. G. H. Tochmann; Rev. Richard Bole, Rev. Hippolyte Gandolfo, Rev. F. Czakert, Rev. John Kenny, Rev. Gasper H. Ostlangenberg, Rev. John B. Escourrier, C. M., Rev. Ubaldus Estang, C. M., Rev. N. Stehle, Rev. Constantine Lee, Rev. Joseph Henry Fortman, Rev. Louis Muller, Rev. Louis du Courday, Rev. Joseph Masquelet, Rev. Joseph Maquin, Rev. Patrick McCabe, Rev. M. Cereos, C. M., Rev. B. Rolando, C. M., Rev. Michael Carroll, Rev. Hilary Tucker, Rev. Joseph Kuenstar, Rev. Alphonsus Montuori, C. M., Rev. N. Mulen.

Such is the roster of the clergy that labored in Illinois prior to the creation of the diocese of Chicago.

JOSEPH J. THOMPSON.

*Chicago.*

## EDITORIAL COMMENT

**Prize Essays.**—We are publishing two prize essays written by pupils of the parochial schools of Chicago dealing with history. These essays were written under a plan of the Illinois State Court of the Catholic Order of Foresters, successfully promoted by the late William F. Ryan, as state chief executive during his several terms of office.

The reader will recognize at once the merit of the plan which brought forth these and numerous other similar essays throughout the state of Illinois. Only by research and investigation could the data contained in these essays be obtained. While there is no pretense that the efforts measure up to the standard of scientific history writing, yet several important facts are brought out and will be impressed upon a considerable number of readers.

This, however, is not the chief benefit of the plan. There can be no doubt but that the effort has created, to a greater or less extent, an interest in the subject of Catholic history, and who will dare deny that some pupil, many perhaps, has been influenced in such a manner as to lead to a fuller study of history, and, who knows but some may become active students, even historians. It is in this hope the plan was devised. How happy would be the promoters of it should it result in such a consummation.

**Two Hundred and Fifty Years.**—Ten generations of men have come and gone since Father James Marquette, S. J., visited our region and established the Church. Silver, golden, diamond jubilees, half and whole centennaries are observed with eclat, but here is the anniversary of great events which occurred two and a half centuries ago.

For emphasis let us name the high points in the Marquette movements:

1. With Louis Jolliet and five Frenchmen Father Marquette passed through Illinois from the mouth of the Illinois River to the Des Plaines, thence by portage to the Chicago River and down the Chicago River to Lake Michigan in August and September, 1673.

2. Father Marquette with two Frenchmen returned to Illinois in 1674, landing at the mouth of the Chicago River, then at what is now the foot of Madison Street, on December 4, 1674, where he stayed until December 11, 1674, and during which time he said Mass every day except on December 8th, when the cold prevented. On December 11th he with his companions and visiting Indians drew his canoe two leagues up the Chicago River over the ice and stopped for the winter at what is now Robey Street and the Drainage Canal. Here he stayed until the 29th of March, 1675.

3. Leaving the Robey Street cabin on March 29th Father Marquette and his party struggled for ten days to reach the village of the Illinois Indians (Kaskaskia tribe), then located at what is now Utica, Illinois, where he arrived on the 8th of April, 1675. After three days' preparation Father Marquette on Holy Thursday, April 11th, 1675, established the Church and named the first mission the Immaculate Conception.

The first of these anniversaries has already passed and was observed in various ways in different places. The next occurs on December 4th next

and arrangements are being made to fittingly observe it. The third and greatest of them all, the establishment of the Church, will occur on April 11th, 1925, next year, and should be fittingly observed.

**Catholic Schools to Observe Marquette Anniversary.**—Throughout the archdiocese of Chicago the two hundred and fiftieth anniversary of the coming of Father Marquette to Chicago will be celebrated in all Catholic schools. It is the desire of His Eminence Cardinal Mundelein that a fitting program be prepared and rendered in each school on or near the date (December 4th) marking the passage of two hundred and fifty years from the advent of the first white man to this region, the first white dwellers of Chicago and the first exercise of Christian rites.

His Eminence has directed that an outline of exercises be prepared and that ample time be given for preparation of essays, addresses and musical numbers such as will impress upon the youth the significance of the notable anniversary. It is worthy of much more than passing notice that at the cost of almost inconceivable sacrifice and suffering the great missionary and his successors as well brought the gospel, always followed by civilization, to the land we now inherit.

If the present and other generations have passed by with little notice these, the most important events in our history, that is only an additional reason that the rising and future generations should be more mindful. Truly our land has been blest almost beyond all others. Since the days of Father Marquette not a single battle between white men has ever stained with blood the fair soil of our State. When strife has raged elsewhere, even when want has blighted other regions, comparative peace has reigned here, and plenty has been the universal experience. Well may we believe the beautiful tradition that Father Marquette blessed all the waters and all of the lands of our fair State and that his blessing has remained always with us. Hence the propriety of fittingly observing this two hundred and fiftieth anniversary.

Nor is His Eminence content with directing a fitting observance of the anniversary in the schools. He also directs that from the altar and the pulpit the great day shall be proclaimed. Because Father Marquette was a Jesuit His Eminence has directed that the principal church ceremonies shall be conducted in the Jesuit church and arrangements are being made for a church service that will be a climax of all the observances of the anniversary.

Incidentally a civic celebration also is being arranged. Announcement of the time and place and manner cannot be made yet but it is intended that the observance shall be worthy of the occasion and the invitation to participate is general.

Abundant material for the preparation of papers and addresses for the Marquette program in this and former issues of the ILLINOIS CATHOLIC HISTORICAL REVIEW.



## GLEANINGS FROM CURRENT PERIODICALS

**French Catholic Newspaper in Boston, 1792-1793.**—At a meeting of the Colonial Society of Massachusetts in April, 1921, Percival Merritt called attention to the second French newspaper published in Boston, which was edited by a French priest, Louis Rousselet. The following account of this newspaper is drawn from the Publications of the Society issued in 1923. This missionary had ministered to the spiritual wants of the Catholics of Boston at their first church, the School Street Chapel, prior to the arrival of the first regular pastor, Rev. John Thayer. The first French newspaper was the *Courier de Boston*, conducted by Joseph Nancrede, instructor in French at Harvard College from 1787 to 1800, and the paper ran only from April 25 to October 15, 1789. "The second French newspaper to be published in Boston," said Mr. Merritt, "was the *Courier Politique de l'Univers*. . . . The publication was projected with the view of giving a just idea of the present state of France and a connected summary of the French Revolution." The prospectus stated that this weekly newspaper would be printed in French and English in parallel columns. "In this form the *Courier de l'Univers* will be serviceable to those who are imperfectly acquainted with the French language." No copy of the paper has been located, according to Mr. C. S. Brigham, who has compiled an exhaustive bibliography of American newspapers from 1690 to 1820; but references to it are found in the *Columbian Centinel*, where in the issue of January 19, 1793, the following notice appeared: "Mr. Rousselet, editor of the *Courier Politique de l'Univers*, being suddenly called to the Island of Guadeloupe by the desire of a great number of its inhabitants, in order to fulfill the duties of an apostolic missionary, has the honour to testify his regret to the subscribers to his paper that he is unable to complete the task that he had undertaken." Only six numbers appeared, December 10, 1792, to January 14, 1793. This newspaper is not mentioned in the *Catholic Encyclopedia*. The Abbé Rousselet met his death in Guadeloupe, where he was guillotined, along with three hundred French Royalists, by the French revolutionary commissioner, Victor Hughes, who had wrested the island from the English in October, 1794.

\* \* \*

**Huron Religion.**—"Religious Conceptions of the Modern Hurons" is the title of a paper contributed to the Collections of the

Kansas State Historical Society for 1919-1922, by William Elsey Connelley, who was for twenty years living in familiar intercourse with the Wyandots, descendants of the Hurons of the Jesuit mission of the seventeenth century. He was adopted into the tribe, who were then living in Wyandotte County, Kansas, of which he was the county clerk, and he was given an exalted title that had not been conferred on anyone since 1780. Mr. Connelley is thus able to speak with assurance regarding the myths of this people. His account does not accord with that given by the Jesuits of the seventeenth century, because, as he says, Christianity has modified the Indian beliefs to some extent. The Huron myth of the Creation is related at length. In a foot-note the author gives a list of the totemic animals of the Wyandots; and also gives the names of the clans with their significance. A later article in the same volume of Collections gives "Lists of all the Individual Members of the Wyandot Tribe," copied from the Report of the Wyandot Commissioners of 1859, and descriptions of their lands.

\* \* \*

**Voyage of the Griffon.**—The April Bulletin of the Chicago Historical Society contains the first instalment of an account, to be continued in later issues, of "La Salle and the Establishment of French Dominion in the Mississippi Valley." The Griffon, the first sailing vessel to be built on the Great Lakes, was constructed by La Salle's men on the Niagara River, above the Falls, near Cayuga Creek. It was named the Griffon out of compliment to Frontenac, whose arms carried two griffins. La Salle was absent at the time upon a perilous trip on foot from Niagara Falls to Fort Frontenac, now Kingston, two hundred and fifty miles distant, to obtain equipment. Upon the return of La Salle, the vessel set sail on August 7, 1679, carrying La Salle, Father Hennepin, and Tonty. "The passage through Lake Erie, the strait of Detroit, and Lake St. Clair was pleasant, but on Lake Huron a violent storm alarmed the explorers, who were glad to ride at anchor for a week in the straits of Mackinac. After a week at Mackinac, the Griffon entered Lake Michigan and sailed across to Washington Island, off Green Bay. Here La Salle found some of the advance party of traders who had been sent ahead the year before. So severe were La Salle's financial straits that he considered it necessary to hurry to his creditors the valuable store of furs which the traders had accumulated. The crew of the Griffon were accordingly ordered to sail at once to Niagara and then return to the southern part of Lake Michigan, where La

Salle and the main party would wait for them." The Griffon sailed but was never afterwards heard from. The loss to La Salle was, according to Alvord, 40,000 livres or about \$8,000 ("The Illinois Country, 1920, p. 81).

\* \* \*

**Canadian Historical Bibliography.**—"There is no subject-index to Canadian literature, historical or otherwise, in existence," writes W. S. Wallace in the *Canadian Historical Review* for March, 1924, in an article on "The Bibliography of Canadiana;" nor is there an adequate author catalogue of Canadian books or a bibliography of Canadian bibliographies. The student of Canadian history must have recourse to guides to American historical literature covering both the United States and other countries of the western continents. "The beginnings of bibliographical science in Canada we owe to a French Canadian, as we owe to French Canadians the most valuable achievements in this line in more recent times," we are told.

A French lawyer of Quebec, Georges-Barthélemi Faribault, made in 1837 the first catalogue of books on Canadian history. An "essay," as he called it, on Canadian bibliography by the Abbé P. Gagnon, pastor of St. Romuald d' Etchemin, Quebec, issued in 1895, "purporting to be merely a catalogue of the author's private collection, was yet conceived on a scale rivalled only by the catalogues of the great private libraries of the Old World," writes Mr. Wallace. This superb collection was later turned over to the City of Montreal, and a second volume, showing the accessions since 1895, was issued.

N. E. Dionne, librarian of the Legislative Library of Quebec, prepared a chronological inventory of the books published in the Province of Quebec, in five volumes, "the most comprehensive single achievement in Canadian bibliography up to date."

\* \* \*

**Canadian Historical Society.**—A Canadian History Society was launched at a dinner in London, November 7, 1923, given by Sir Campbell Stuart to the prime minister of Canada. The aims of the new organization, as announced in a pamphlet recently issued (London, 1923) and reviewed in the *Canadian Historical Review* for March, 1924, are stated to be: "(1) To maintain an interest in the Canada of today among the descendants of those who have contributed to the upbuilding of its institutions; (2) to ensure the preservation of historical records relating to Canada and to render them available to the Society for the purpose of its publications.



(3) to publish in a series of volumes biographies of those who have by their services contributed to the history of the country; (4) to endeavor by research to discover historical sources."

The oldest historical society in Canada, the Literary and Historical Society of Quebec, is this year to celebrate its hundredth anniversary. This society, formed by the union of two societies started in 1824 and 1827 respectively, has published some valuable papers and until the establishment of the Archives Department in 1872 was almost the sole medium for the publication of historical manuscripts and documents in the Canadian archives.

\* \* \*

**French in Georgia in the 16th Century.**—Typical of the thorough methods of work of historical students at our greater universities today is a paper by Mary Ross of the University of California entitled: "French Intrusions and Indian Uprisings in Georgia and South Carolina, 1577-1580," which appears in the *Georgia Historical Quarterly* for September, 1923. In a foot-note the authoress states: "This paper is but a chapter in the larger story that deals with Caribbean and La Florida history. . . . The study is based entirely on manuscript materials in the Archivo General de Indias." In defining the scope of her inquiry the authoress says: "Ribaut, Laudonnière and Gourgues are three names that stand out in the story of the Franco-Spanish contest for the wide-spreading provinces of La Florida; but these French leaders were but trail blazers for a horde of adventurous spirits who coveted the South Atlantic seaboard. Scarcely a decade after the Gourgues attack a fourth French intrusion was launched against that Spanish borderland. This episode in Guala-Orista or Georgia-Carolina history has been hitherto all but unknown. Led by Nicolás Estrozi from Bordeaux and Gilberto Gil, a Catalan, a motley band of French corsairs moved northward out of the Caribbean and between the years 1577 and 1580 entrenched themselves in a third French fortification on the Atlantic coast, entered into a design with the Georgia-Carolina natives, and planned for the destruction of the Spanish establishments at San Agustín and Santo Elena (Port Royal). Only the bravery of the Spanish forces at Santa Elena in the presidio of San Marcos, and the clear-headed generalship and watchfulness of the Spanish governor, the renowned Pedro Menéndez de Marqués, saved the day for Spain and defeated the design for a French occupation of the coast." The article is amply documented with references to the original manuscripts.

WILLIAM STETSON MERRILL.

*Chicago.*

**Michigan's Greatest Woman Educator.**—The Michigan History Magazine for January, 1924, contains a short biographical account, by Ada A. Norton, of Julia Anne King, "undoubtedly the greatest woman educator which Michigan has ever possessed, doubtless among the half dozen greatest women educators in Michigan—either men or women—and the half dozen greatest women educators in the United States."

The "Place Names of Berrien County," by George R. Fox, will prove of greatest interest to those familiar with that region. "Impressions of Detroit, 1837" (from Mrs. Jameson's, "Winter Studies and Summer Rambles"), is a womanly account of that city in a delightful chit-chat way. An account on "Frank Dwight Baldwin, M. H., Major General, U. S. A. by Sue Imogene Silliman completes the magazine.

\* \* \*

**Critical Studies in Church History.**—The Catholic Historical Review for January, 1924, in its first article, "The Apostolic See," by Rt. Rev. Thomas Shahan, D. D., evidences the superabundant information of the learned rector. "The Bollandists; The Period of Trial," by Aurelio Palmieri, O. S. A., clearly indicates the trials of the early hagiographers. Dr. Peter Guilday's article, "Arthur O'Leary," is illuminating and abounding in vivacity and solid assurance on the thorny question of the Oath of Allegiance in English History.

Dr. F. Zivierlein's article, "What did Calvin want of Francis I," is a correction of Rev. A. M. Fairbairn, D. D., in the Cambridge Modern History. Among the Miscellany, "The Fratres Pontifices and the Community of Altopasio," gives an interesting addition to a similar article in the October issue of the American Historical Review by Professor Ephraim Emerton.

\* \* \*

**Mid-West and Colonial History.**—The Mississippi Valley Historical Review of December, 1923, in an article, "The Industrial Armies and the Commonwealth," by Donald L. McMurry, gives a complete, satisfying study of Coxey's Army and its many, picturesque imitators. To one interested in the Burr Conspiracy, "The Louisiana-Texas Frontier during the Burr Conspiracy," by Isaac Joslin Cox, will prove illuminating. "The Proslavery Background of the Kansas Struggle," by James C. Malin, is a conservative correction of modern accounts of "Bloody Kansas." The article abounds in

critical suggestions on a controverted question which if followed will lead near to historical truth. "The Development of Chicago as a Center of the Meat Packing Industry," by Howard Copeland Hill, is a story of "the influence of transportation."

The Americana for October, 1923, has an interesting article on "Historic Pilgrim Shrines," by Mrs. Alton Brooks Parker, the result of a visit to Holland and England. To many "The Scotch-Irish in Pennsylvania," by E. Melvin Williams will prove illuminating. "Some Usages of Long Ago" treats of slavery and the underground railroad. "The Indians of Bergen County, New Jersey," by Frances A. Westervelt, "Old-Time Elocutionary Books," by Charles A. Ingrahams. "Highland Scottish Clans," by Joel N. Ens, A. M., the "Dorr Family," by Mrs. Herold R. Finley. "Mrs. William Lawson Peel," by John P. Downs, complete the issue.

The Records of the American Catholic Historical Society in "Trials and Triumphs of Catholic Pioneers in Western Pennsylvania," translated and arranged by Rev. Felix Fellner, O. S. B., adds to the better understanding of the difficulties of the first Bishop of the United States as well as the pioneers. "The Work of the Sisters of Mercy in the Archdiocese of St. Louis, Missouri (1856-1921)," by Sister Mary Eulalia Herron, exemplifies a phase of history which is only of late being written to fill up the gaps in Catholic Church History in the United States.

PAUL J. FOIK.

*Notre Dame, Indiana.*



# SAINTS OF SPECIAL HONOR IN CALIFORNIA

[NOTE.—The document printed below is one of a collection of manuscripts recently acquired by the Newberry Library, Chicago, which comprises transcripts made by Mr. Irving Berdine Richman, a lawyer by profession, residing in Muscatine, Iowa. By avocation he is an historian, being the author "California under Spain and Mexico, 1535-1847, based on original sources," of the volume in the series of "Chronicles of America," entitled "The Spanish Conquerors," and of many other historical works. The collection mentioned has but recently reached the Newberry Library, where it forms a part of the Edward E. Ayer Library, an immensely valuable collection of works on the American Indian from the earliest period of American history down to the present day. The list which follows seems to be a catalog of the saints especially honored in California by the Padres of the Spanish missions there, with mention, in each case, of the days on which these saints were honored. The saints are classified by the names of the Orders to which they belonged. Occasional notes indicate an attempt to identify the saints mentioned or, in some cases, to correct the classification. Whether these annotations are by Mr. Richman or by another hand does not appear. This manuscript was kindly brought to my attention by Miss Clara A. Smith, custodian of the Ayer Library. The names of these favorite saints appear in many place-names of California.—W. S. M.]

## BENEDICTINE

San Anselmo, April 21.

San Benito, March 21.

San Bernardo, August 20 (Founder of Cistercians).

San Bruno, October 6 (Founder of Carthusians, branch of Benedictines).

San Carlos, November 4 (St. Charles Borromeo).

Santa Gertrudes, November 15.

San Gregorio, March 12 (St. Gregory, the Great Pope).

St. Helena, August 18.

## CAPUCHIN

BELONGS AS A BRANCH OF THE FRANCISCANS

San Felix, May 21 (St. Felix of Cantalicio).

## DOMINICAN

Santa Catalina, April 30 (St. Catherine of Sienna).

San Jacinto, August 16 (St. Hy[a]cynth).

San Ramon, January 23 (St. Raymond).

Santa Rosa, August 30 (St. Rose of Lima).

## FRANCISCAN

San Antonio, June 13 (of Padua).

San Bernardino (of Siena—possibly Bernard the less is meant,

but I hardly think that possible as San Bernardino was one of the great saints of the Franciscan order).

San Buen[a]ventura, July 14.

Santa Clara, August 12 (St. Clare—founder of the Poor Clares).

San Franci[se]o Solano, July 24.

San Francisco, October 4 (Founder of the order).

San Juan Capistrano, October 23 (St. John of Capistrano).

San Luis Opispo, August 19 (St. Lewis, Bishop of Toulome, entered the order of Friars Minor).

Santa Margarita, February 22 (St. Margaret—Friars Minor).

#### LAZARISTS (Franciscan)

St. Vincent de Paul, July 19.

#### JESUITS

San Francis Borgia, October 10.

San Francis Xavier, December 3 (Missionary to Japan, China, Portugal, etc.).

San Ignati[o], July 31 (Founder).

#### MINIMS

##### UNDER FRANCISCANS

San Franciquito, April 2 (St. Francis Paula, founder of the order).

#### ORDER OF CHARITY

##### UNDER FRANCISCANS

San Juan de D[i]os, March 8 (St. John of God, founder of the order.)

#### STYLITES

San Daniel, December 11.

San Simeon, January 5.

#### GENERAL

St. Andreas, March 30 (St. Andrew).

San Diego, July 25 (St. James, the great apostle).

San Diequito, May 1 (St. James, the less).

San Filipe, May 1 (St. Philip, apostle).

St. John, December 27.

San Lucas, October 18 (St. Luke, the evangelist).

San Marcus, April 25 (St. Mark, the evangelist).

San Mateo, September 21 (St. Mathew, the apostle).

San Pablo, June 30 (St. Paul, the apostle).

San Pedro, June 29 (St. Peter, apostle).

- San Gabriel, March 18 (Archangel).  
 San Miquil, September 29 (St. Michael, Archangel).  
 San Blas, February 3 (Patron against disease of the throat).  
 San Cl[e]mente, December 4 (Bishop [of] Alexandria).  
 San Dimas, October 8 (St. Demetrius, martyr).  
 San Estevan, December 26 (St. Stephen, proto-martyr).  
 San Fernando, May 30 (St. Ferdinand, King of Spain).  
 San Geronimo, September 30 (St. Jerome, Deserite).  
 San Gorgonio, September 9 (Martyr).  
 San Joaquin, April 16 (St. Joachim, father of the Blessed Virgin).  
 San Jose, March 19 (St. Joseph).  
 San Juan Bautista, Nativity, June 24; Beheaded, August 29.  
 San Leandro, February 27 (Bishop of Seville).  
 San Lorenzo, August 10 (St. Lawrence, deacon martyr).  
 San Nicolas, December 6 (Bishop of Myra).  
 San Nicolas, September 10 (St. Nicholas of Tolentino—Austin Friar).  
 San Quintin, October 31 (Martyr).  
 San Timotio, January 21 (St. Timothy, disciple of St. Paul).  
 San Ysidore, May 10 (St. Isidore, patron of Madrid).  
 San Ylijo (the Holy Elias).  
 Santa Ana, July 26 (St. Anne, mother of the Blessed Virgin).  
 Santa Barbara, December 4 (Martyr, patroness against lightning).  
 Santa Lucia, December 13 (St. Lucy, virgin and martyr).  
 Santa Monica, May 4 (St. Monica, mother of St. Augustine).  
 Santa Paula, January 26 (one of the women with Jerome at Bethlehem).  
 Santa Susana, August 11 (St. Susan[n]a, virgin and martyr).  
 Santa Ynez, January 21 (St. Agnes, virgin and martyr).  
 Santa Ysabel, August 31 (St. Isabel, sister of St. Louis, King of France).



## AN EARLY EXERCISE OF TOLERANCE

While Louis Phillippe of France was Duke of Orleans he gave to the saintly Bishop Benedict Flaget of Bardstown, Ky., valuable paintings and church furniture, with which to grace the sanctuary of the Bishop's Cathedral in Bardstown. When the articles arrived here, United States officials levied the full duty on them, although they were free gifts and not within the intent of the revenue laws of the time.

Finally, interested individuals in the Bishop's diocese took the matter to Congress and a bill was drawn up in, 1828, which "authorized the remission of the duties on certain paintings and church furniture presented by the King of the French to the Catholic Bishop of Bardstown, Kentucky."

The bill came up for a third reading on the floor of the House of Representatives on Monday, March 19, 1832, and, after it was read by the clerk of the assembly, Mr. Hogan of New York, arose and "regretted that he felt it his duty to oppose the passage of the bill." Among other things he said that "The bill proposed to promote no national interest—it addressed itself to the mere liberality of the House. Did our Constitution recognize any connection between Church and State?" Then Representative Charles Wickcliffe of Kentucky, a non-Catholic, was considerably stirred up by the apparent bigotry of his fellow-member, and he called him to task in the following language:

The duty of defending the principle involved in this bill, had, however, by the opposition of the gentleman, been devolved upon him, and he would detain the House but a very short time in its discharge. About four years since he had presented the application of the worthy individual whom the bill proposed to relieve. That application had always met with the favor of the Committee of Ways and Means, and the bill had two or three times passed this House without objection, but was never acted upon in the Senate, for want of time. The question was again before us, approved by the united voice of the committee who reported the bill. "Mr. Speaker, the House will pardon me," said Mr. W., "while I tresspass long enough upon their time to do justice to a worthy man, Bishop Flaget, for whose relief this bill is designed; he is my constituent and friend. He is a man who has devoted a life of near seventy years in dispensing acts of benevolence and the christian charities. He was once a resident of this District, having under his charge the valuable college of Georgetown, where his labors in the cause of science, morality, and religion, will long be remembered by all who knew him.

“His destiny, or the orders of the Church, to which he belongs, placed him at the head of the Catholic Church in Bardstown, where, in the exercise of the duties of bishop and philanthropist in his diocese, he has endeared himself to the community whose society he adorns. This is not all, sir. With his own means, aided by the liberal contribution of the members of his own church, and of individuals belonging to other denominations, he has built up a college, which is both the pride and ornament of the little village in which it is situated. In this college are taught all those branches of useful knowledge and of science, which qualify man for the duties of life and its rational enjoyments. This college, without the aid of governmental endowment, brought into existence and sustained by individual enterprise, will lose nothing in comparison with any college in the Union. Sir, I believe it the best west of the mountains. In it are annually instructed about two hundred of the youth of our country upon terms moderate. And we have in its discipline a perfect guaranty for the preservation of the morals of our young men. Its portals are opened to all denominations. Religious bigotry does not extend its unhallowed influences over the consciences of the professors or their pupils. The benevolence of its founder and its conductors is felt in all ranks of society. The orphan and the destitute find ready access to the benefits of this institution; and when there is an inability to pay the moderate charges of board and instruction, none are made. I will say nothing, sir, of the immense amount of money expended on the buildings of this college.

“Connected with this institution is the cathedral and church, the residence of Bishop Flaget. The expenditures incident to such an establishment as the two I have named, have been more than equal to the private means and contributions devoted to the purposes of the institutions and its founder has felt and still feels, the consequent embarrassments. These embarrassments have been in some measure relieved by considerable donations of church furniture and college apparatus, from persons in Italy and France. The duties upon such articles have been remitted heretofore by the liberality of Congress. The articles upon which duties have been paid, and which the bill contemplates to refund, consist of paintings and other articles of church furniture, presented some years since by the then Duke of Orleans, now King of the French, to the Bishop of Bardstown. He could not refuse to accept the offering; by accepting, however, he had to pay the duties, which your revenue laws impose upon articles imported from abroad. These articles would not have been purchased and imported. They have not been brought into the country as merchandise, do not enter into the consumption of the country, and therefore do not, I humbly conceive, fall within the principle or spirit of your revenue system. They are specimens of art and taste designed as ornaments to a house of public worship.

“I trust, Mr. Speaker, that the circumstance that this application is in behalf of a Catholic bishop will not prejudice the mind of any member of this House. I am sure it does not the member from New York. I would extend this relief to any church or public institution,

and to none sooner than the Catholic. I live among them. They are, like other denominations, honest in their religious opinions, content to worship in the mode their education and habits taught them to believe to be right, and which their judgments approve. They are honest, industrious and patriotic citizens, devoted to the free institutions of the country. I mean not to say they are more so than other denominations; certainly they are not less patriotic and liberal in their opinions and practices than others of my constituents. I hope the gentleman from New York will withdraw his opposition to this bill; the amount involved is small, but it is to the very worthy man, Bishop Flaget, at this time of much consequence; at least, I shall look with confidence for the judgment of this House in favor of the passage of the bill."

Mr. Hogan replied that the explanation which had been given was so perfectly satisfactory to him, that he would, with pleasure, withdraw his objections to the bill.

The bill was passed without further opposition.<sup>1</sup>

(REV.) HENRY S. SPALDING, S. J.

*St Louis.*

---

<sup>1</sup> From "*Abridgement of the Debates of Congress*," from 1789 to 1856; from Gales and Seaton's annals of Congress; from the Register of Debates, and from the official reported debates of John C. Rives. By Hon. Thomas H. Benton. D. Appleton & Co., N. Y., 1857. Vol. XI., p. 639.

In the preface to his work, Benton writes: "The title page discovers the source from which this abridgement is made, and shows them all to be authentic and reliable,—well-known to the public and sanctioned by resolves of Congress."



# PRIZE WINNING SCHOOL ESSAYS

---

## CATHOLICS IN AMERICAN HISTORY IN ILLINOIS

BY GERTRUDE LORRAINE CONLEY, St. Gertrude's School

Few realize the important roles Catholics have taken in the Christian and material progress of Illinois.

Some contend that other states are entitled to priority over the Illinois district. But if one will carefully delve into the records of early Catholicism in the United States, he will learn that in the State of Illinois the Church has existed continuously for a longer period of time than in any other territorial division.

First and foremost among the Catholics who have assisted in the progress of Illinois are the two renowned explorers, Father Marquette, a young missionary, and Louis Joliet, his companion.

Due to the untiring efforts of this young priest, a firm foundation was laid. Father Marquette is the founder of Christianity in Mid-America.

It may be interesting to know that Mass was celebrated in this country for the first time in 1674, in an humble little building situated at a point corresponding to the junction of present Madison Street and Grant Park on the shore of Lake Michigan.

As all the pastors and missionaries of the next two centuries come under the classification of pioneer Catholics, it is hardly possible to have recourse to all these in their entirety.

Two very illustrious successors of Father Marquette were: Claude J. Allouez, S. J., and Sebastian Rale, S. J. They only assisted in strengthening the foundation laid by Father Marquette.

Robert de LaSalle was the next import character to visit Illinois. With him he brought Henri de Tonti and Father Louis Hennepin. For some unknown reason, the name of Henri de Tonti has been obscured and he does not receive the praise justly due him. For twenty years he ruled the Illinois territory. De Tonti was a man of great executive ability and under his supervision the state prospered. After his death his government fell into decay, the people of his little empire migrating to other climes. But de Tonti had sowed good seed. Men in various spheres of life settled in the new community, the peaceful occupation of agriculture was being practiced, and before long the whole Illinois country was a scene of prosperity. This phenomenal transformation was due to the quiet,

unassuming Gabriel Marest, S. J. He was their temporal as well as spiritual director. His teachings gained their confidence and in a short time they were conversant in the art of agriculture. In 1707 forty out of twenty-two hundred Indians remained uncivilized, refusing to be baptized.

Father Marest was followed by many wonderful men, all of whom worked earnestly for Christian advancement in the Illinois country. Two of the greatest of these unselfish characters were Father Watrin and Father Meurin. Father Watrin labored thirty years in the Illinois missions. He worked incessantly from 1733 to 1763, when the foul edict of the French Council banished all Jesuits. The orphaned missions begged for at least one spiritual director, so Father Meurin was permitted to return under disheartening conditions and restrictions. This good priest worked for thirty-one years, from 1746 to 1777. He was the last Jesuit missionary in this district.

In 1786 Pierre Gibault arose to be placed among our immortal Catholics of Illinois. The problems of this young priest were, if anything, more difficult. As the Indians constituted a speedily diminishing element, the whites were now in the majority.

Ten years of toil made him beloved by all. His powers as a diplomat were clearly shown in the way he coped with everything. In July, 1778, at the time of strife between America and Great Britain, his position was made evident when he made possible the peaceable conquest of the Illinois territory by George R. Clarke. He was the authoritative figure that transferred the allegiance of the territory from Great Britain to the New American sovereignty. His deeds were poorly appreciated and requited. He died in poverty and obscurity due to his sacrificing all his belongings to the new government.

From the period of Father Gibault up to the present time, the work of Catholics in every sphere of life has been a great source of comfort and pride to the Church.

I consider the three existing Catholic orders, the "Knights of Columbus," the "Holy Name Society," and the Catholic Order of Foresters," fitting structure with which to further the progress of Catholicism.

The Big Brother plan of the Holy Name Society has proved a great success. It first started its work in the fall of 1917, while several years later followed the establishment of the Boys' Court. The Director of each branch assigns five Big Brothers. Datum is taken of each delinquent and it is the duty of these "Big Brothers" to visit juvenile offenders and assist them in every way possible.

This plan has been successful to a very encouraging degree. Since January 1919-1921, 440 boys have been delinquent in every conceivable offense. In 1921 only 40 per cent of these offenders were Catholics. This is a decrease of 30 per cent.

The Knights of Columbus have also been doing creditable work. This society was organized in 1882 for the purpose of unifying all Catholic American citizens. By an amendment of 1919 the purpose of the Order was enlarged to the promoting and conducting of educational, of charitable, religious, of social welfare and war relief work. The splendid initiative and energy of this organization was clearly shown in the World War. It was conducted in counter distinction to the mercenary methods of another organization of similar size but not Catholic.

Last but not least comes the wonderful organization,—“The Catholic Order of Foresters.” Like de Tonti, the works of this organization are hidden and thus its praises go unsung.

It was organized May 24, 1883, as the “Illinois Catholic Order of Foresters.” The charter was amended in 1889, however, and the order is in operation in twenty-eight states, at last extending into Canada.

It was primarily for the purpose of protecting widows and orphans of deceased members. It has been a great force in the spiritual and social advancement of its members. Its great work has encouraged many to join. The Order’s membership has swelled to a total of 158,531—37,940 in the State of Illinois, and 29,097 in Chicago.

It is one of the greatest Catholic fraternal organizations and stands high in the esteem of its Mother—the Catholic Church.

And so, if space permitted, we might go on and cite many more evidences of the Catholics in Illinois History, but the foregoing serves to show the vital part the members of the Catholic Church have played in the making and uplifting of our beloved State.

The good done for the individual by the Church in Illinois is beyond reckoning. Referring to the work of the Catholic Church in Chicago, Archbishop Ireland said: “I do not need to speak of the influence of the Church on individual members. Only the Catholic can comprehend what this means to him and to his soul. Now, as then, the Catholic priest is laboring for the salvation of souls, straining to make men more perfect Christians, consequently better citizens and more valuable members of society.”

GERTRUDE LORRAINE CONLEY.

*Chicago.*



## THE CATHOLIC IN AMERICAN HISTORY

BY RITA FREEHAUF, St. Raphael School

(Medal Donated by St. Raphael's Court, No. 722, C. O. F.)

They say, I do not love thee,  
Flag of my native land,  
Whose meteor folds above me  
To the free breeze expand;  
Thy broad stripes proudly streaming  
And thy stars so brightly gleaming.

They say, I would forsake thee,  
Should some dark crisis lower;  
That, recreant, I should make thee  
Crouch to a foreign power;  
Seduced by license ample,  
On thee, blest flag, to trample.

The above are the opening stanzas of a poem written by the Rev. C. C. Pise, D. D., in the first half of the nineteenth century, to refute the slanders directed against the Catholic Church and her members in an age of religious bigotry. Now, as then, the world is filled with hatred and envy against this same Church.

It was to be hoped that the service of Catholics might be more generally acknowledged and appreciated after the wonderful achievements of members of the Catholic Church in the late world's war. It seems strange to say that instead of opening the eyes of the world, it has but roused more religious bigotry than ever, the latest of these bigots appearing to-day in the person of a certain American-born member of the nobility of England, who renounced allegiance to her own native land, and now, in her desire to be popular, takes a fling at the Church.

It would be of the greatest benefit not only to this person but to all our antagonists, to revise their study of United States history. They would soon see that the Catholic Church has left memorials and monuments of her passage in our country from the borders of Canada to the Southermost coast of Florida, and from the Atlantic to the Pacific, for her children were first in discovery, first in the founding of Christianity, first in the liberty, and first and unanimous in the support of Washington.

We read in the ritual of the Catholic Order of Foresters: "A good Catholic is the highest type of a citizen." How could it be

otherwise? Has not our Lord himself commanded us to "Render unto Caesar the things that are Caesar's, and to God the things that are God's." Mr. C. Cummings states so beautifully in "Truth": "Who has a more genuine right to live in this, our land, in religious, civil and social peace, than the children of that universal Church whose illustrious sons, beginning with Columbus, made more than ninety percent of all the discoveries and explorations on this continent?" Indeed, whether we look to the north or south, east or west of our grand country, we encounter as pioneers in the work of civilizing and Christianizing the savages the Catholic Missionary.

With no other purpose than the glory of God and in the interest of humanity, these noble men left their home circles, friends and native countries to brave the dangers of the wilds, suffering untold tortures and gladly sacrificing their lives for religion and civilization. We mention but a few of these heroes, who, alone and unaided, laid the foundation of the grand edifice of civilization and Christianity we are so proud of to-day, namely, Fathers Breboeuf, Daniels, Jogues, Allouez, Lallemand, Marquette and hundreds of other equally pious and devoted priests.

Archbishop Spalding says: "The annals of Catholic Missions alone present scenes so sublime and so touching. Philosophy may speculate on its inflated theories of high-sounding benevolence, Protestantism may boast its missionary zeal, but it is only Catholicity which can reclaim the savage, tame his ferocity and effectually teach him the arts of civilization." Reynolds writes in his "Pioneer History of Illinois": "The Jesuits, at this time, were the most energetic order of Christians in Europe. There was no country on the globe but the Jesuits visited and administered to the spiritual wants of the people. No nation of Indians was too far off, or too wild to deter these Missionaries from visiting. And Marquette was always first to do good in these missions." Parkman says: "The history of the Catholic Church in Chicago dates from 1674. It was on the occasion of Father Marquette's second trip to the Illinois country, that he made a stop at the site of Chicago and here solemnized the mysteries of his faith. More than two hundred years ago the Catholic Church consecrated the site of the present city by solemn rites and ceremonies of the Catholic worship."

Of the grandest figure in missionary life, Father Marquette, Branchard writes in the "Discovery of the North West": "The memory of Father Marquette is held in reverence and admiration by every American, no matter before what altar he worships, or what form or tenet his religious creed." And Parrish writes of him: "In

the savage heart of a wilderness, where Marquette had labored so long and not for earthly reward, passed away the discoverer of the Illinois country, this truly heroic soldier of the Cross, in his thirtyninth year. Marquette and Joliet discovered the one important fact underlying their early explorations, that the Mississippi beyond doubt discharged its mighty waters into the Gulf of Mexico."

The glowing reports of Father Marquette and Joliet set all Canada on fire and swept over France, filling many daring men with a craze for western enterprise. Among these we find La Salle, of whom Illinois has ever been mindful, as well as of other Catholic explorers, naming countries and towns for these famous men. "Never," writes Parkman, "under the impenetrable mail of paladin or crusade beat a heart of more intrepid metal. America owes La Salle an enduring memory."

But Catholics were not only the first discoverers, explorers, and founders, they were also the first geologists and botanists of the territory within the boundaries of the present United States. They were the first people whose well-organized community-life became the foundation of colonies and later states. Reynolds says of the first Catholics in our own home state, Illinois: "The inhabitants were devoted and strong believers in the Roman Catholic Church. They were willing to fight and die for the maintenance of the doctrines of their Church. Their spiritual teachers were of sincere piety and religion. The people being governed by the precepts of the gospel, enforced by the power and influence of the Church, formed a pious and religious community which was the basis of the happiness of the people of Illinois in primitive times."

Let us turn another leaf in the history of our country and read of the matchless record of Catholics in the War of the Revolution, the great struggle for American Independence. The colonial times were dark and intolerant for Catholics, as the old anti-Catholic prejudices were still very much alive. During the war however, the colonial Catholics, forgetting the many wrongs of the past, unanimously supported the patriot cause. It was then that our country stood in need of loyalty in the masses, statesmanship in the leaders, money in the treasury, and fighting men in the field. Out of the population of three million at that time the Catholic Church counted not more than thirty thousand members. However, of loyalty, statesmanship, money and men, she furnished more than her share. Nor did her sons distinguish themselves only in the army and navy, but also in council-halls and legislatures. In the day of trial the Catholic faith proved the grandeur of its principles. It produced no traitors,



no oppressors of their country. Authority proved that one-third of Washington's army were Catholics from native and foreign countries. Before the war Catholics were barred from holding commissions in the army, yet many speedily rose to high positions in the Continental army, and were among the most trusted of Washington's aids. Among prominent Catholic leaders in the army may be mentioned, Stephen Moylan, the French Counts Lafayette and Rochambeau, the noble poles Kosciusko and Pulaski, the German Barons Steuben and De Kalb, and the Indian Chief Orono. Stephen Moylan occupied, one after another, offices of trust in the American Army and rounded out the full measure of his service with General Greene in the Southern campaign at the close of the war. William Paea, a signer of the Declaration of Independence, held numerous political offices in his own state, and was a member of the State Convention which ratified the federal Constitution. Thomas Fitzsimmon was a member of the First Continental Congress, took part in the Trenton campaign, and was a member of the convention that framed the Constitution of the United States. Daniel Carroll of Maryland was the only other Catholic member.

Eminent Catholics in the navy were Captain John Barry and Jeremiah O'Brien. Catholics who figured prominently in Congress were the famous Charles and Daniel Carroll, William Paea, and Thomas Fitzsimmon. There was an entire Catholic regiment, sons of Ireland, in the Pennsylvania Line. Washington's personal guard, the flower and choice of the army, was largely composed of Catholics.

The Catholics of the United States, in common with their fellow-citizens, hailed with joy the election of George Washington as first President under the new Constitution. Before the inauguration, Bishop Carroll, on behalf of the Catholic Clergy, united with the representatives of the Catholic laity in an address of congratulation to the new President. The memorable and cordial reply of Washington "To the Roman Catholics of the United States," was as follows: "I hope ever to see America among the foremost nations in examples of justice and liberality; and I presume that your fellow-citizens will not forget the patriotic part which you took in the accomplishment of their revolution, and the establishment of their government, or the important assistance they received from a nation in which the Roman Catholic faith is professed. May the members of your society in America, animated alone by the pure spirit of Christianity, and still conducting themselves as the faithful subjects of our free government, enjoy every temporal and spiritual felicity."

In the Civil War, that terrible conflict which shook, as it were, the very foundation of our nation, when half the country was laid waste and rendered desolate, the Catholic Church shed her brilliant light of charity through the gloom of war and at the end of the struggle still stood undiminished in strength and unbroken in unity, the pride of her children and the admiration of thousands who, before the war, had looked upon her progress with jealous concern.

Let the brave Catholic generals of this dark period pass in review, Sheridan, Rosecrans, of whom Sheridan says: "A visitor to the city of Washington will find no more regular attendant at Mass than Rosecrans, the hero and idol of the Army of the Cumberland." Kearney, Mulligan, Shields, Meagher, McMahon, Thomas Cochran, and numerous others the mention of whom would make this essay too long. Let me but add one quotation of F. C. Cummings: "When the torch of war was blazing in hamlet and city, and the sword was lifted against the nation's life, they (the Catholics) registered their fealty in cause and country and wrote some of the noblest records in the annals of our land. They paid well the price that the wavering chances of fortune, treason, and rebellion exacted for this treasured heritage of freedom."

Just to mention the Spanish-American War we merely state that our army and navy sent against Spain was one-third Catholic.

Then came the World's War, in which great conflict the civil allegiance of Catholics was everywhere demonstrated. As ever, our Catholics answered their country's call with the same spontaneity and zeal as on all previous occasions. Among men conspicuous in this terrific struggle, who took their religion from Rome and their civil allegiance from Washington are the Major-Generals J. T. Dickinson, Kernan, Bullard, O'Ryan, McAndres, McIntyre, etc. The Brigadier-Generals Doyer, Ryan, O'Neill, Nolan, Callan, Lenihan and others. What war organizations equalled those of the Catholic Church?

As a resumé the Catholic Church may well say to Columbia:

To save thy flag from slavery's stain  
When knave and traitor tried  
To rend its spangled folds in twain  
For these my children died.  
I gave thee all a sister could  
To keep that banner free,  
My love, my strength, my heart's best blood  
Was freely poured for thee.

And Columbia might well respond thus:

Above their honored graves I weep  
And bless each patriot name;  
Upon my breast embalmed they sleep  
In everlasting fame.  
The land they freed, the flag they saved  
Forget not what is due  
To those who in my hour of need  
Proved to their country true.

RITA FREEHAUF.



## MISCELLANY

### EARLY ILLINOIS AND CHICAGO DOCTORS\*

Jesuit priests were the first medical practitioners in Illinois. It would of course be an error to call them doctors, but a knowledge of medicines was necessarily a part of their training for the missionary field and many of them were in fact quite proficient in medical knowledge and skill. Every missionary carried what he would now call a "first aid kit" and stocks of drugs and medicines were a natural and usual part of the missionary equipment.

As has been seen by other references in this periodical, the second party of white men to reach Illinois contained a doctor and this same doctor had for a patient no less a man of distinction than the great missionary, Father James Marquette, S. J. Strange as it may seem the name of this first of the physicians of Illinois has not been found. That he treated Father Marquette for dysentery within what is now the limits of the city of Chicago in the early months of the year 1675 is established beyond doubt.

There are numerous instances of the administration of remedies of a medical nature during the years succeeding Father Marquette marking the strictly missionary period which may be said to have extended to the end of the French regime—1763, a review of which would be very interesting but would require more research than this writer is now prepared to devote. It is proposed here to direct attention to a few outstanding figures of the period immediately succeeding the missionary era and then review the beginnings of the profession in Chicago.

### LEADERS AND STATESMEN

Without much more research than the writer has given the subject it would be impossible to state how many physicians were in Illinois at the outbreak of the Revolutionary War but the record of one is written large on the pages of revolutionary history. I refer to Doctor Jean B. Laffont. It will be remembered that at the outbreak of the war the British held three important posts and some minor ones in the Old Northwest. These three were Kaskaskia, Vincennes and Detroit. There were also defenses at Cahokia and other points. The story of the Clark conquest is also familiar and Father Pierre Gibault

---

\*Prepared for the *Illinois Medical Journal*.

is well known as the central and leading figure of this conquest. After he had firmly established Clark in Kaskaskia he proposed the immediate conquest of Vincennes and volunteered to accompany a party of laymen to Vincennes to win over the inhabitants of that territory, suggesting Doctor Laffont as leader of the party. The story of this mission can best be told in the official documents and reports relating to it. After Father Gibault's suggestions Colonel Clark selected the party and gave Dr. Laffont the following commission:

“Fort Clark, 14 July, 1778.

Sir:

Having the good fortune to find two men like M. Gibault and yourself to carry and to present my address to the inhabitants of the Post Vincennes, I do not doubt that they will become good citizens and friends of the states. Please disabuse them as much as it is possible to do, and in case they accept the proposition made to them, you will assure them that proper attention will be paid to rendering their commerce beneficial and advantageous; but in case these people will not accede to offers so reasonable as those which I make them, they may expect to feel the miseries of a war under the direction of the humanity which has so far distinguished Americans. If they become citizens you will cause them to elect a commander from among themselves, raise a company and take possession of the fort and the munitions of the King, and defend the inhabitants until a greater force can be sent there. (My address will serve as a commission.) The inhabitants will furnish victuals for the garrison which will be paid for. The inhabitants and merchants will trade with the savages as customray but it is necessary that their influence tend towards peace, as by their influence they will be able to save much innocent blood on both sides. You will act in concert with the priest, who I hope will prepare the inhabitants to grant your demands. If it is necessary to grant presents to the savages, you will have the kindness to furnish what shall be necessary provided that it shall not exceed the sum of 200 piastres.

I am Sir, respectfully your very humble and very obedient servant,  
G. R. CLARK.

To Jean B. Laffont, July 14, 1778.

In accordance with the arrangement the journey of one hundred and fifty miles was made on horseback and amongst the numerous accounts of the embassy and its mission that of Ezra Mattingly in the Magazine of Western History is here reproduced:

“A priest, Father Gibault, volunteered to secure Vincennes. His services being accepted, he left, accompanied by Moses Henry, Indian agent, and Doctor Laffont. Father Gibault talked to the leading citizens as he visited them in his official capacity (as pastor) and finding them ready to revolt, he soon laid his plans for capture. On Sunday, August 6, 1778 the people went to church. Services being

over, Francis Bosseron, a French merchant, arose and asked the priest for information concerning Clark and his conduct and intentions. The reply showed that he would soon appear before Vincennes able to conquer it. Prospect of war was decisive; a proposition that Vincennes declare itself for America was unanimously accepted and Doctor Laffont administered the oath to the congregation. The people marched to the fort, which was at once surrendered by its commander, St. Marie, who was glad to do so and in a few days the stars and stripes first floated in the winds that blow over the great State of Indiana. The flag was made by Madam Coddan of Vincennes, on order of Francis Bosseron, for which she received ten livres, and was hoisted August 8th, 1778."

The unqualified allegiance of the white inhabitants being secured the next requisite was the conciliation of the Indians. Clark in his reports to the government of Virginia tells how this was done:

"The Grand Couette (Chief of the tribes along the Wabash), received a spirited compliment from Father Gibault, who was much liked by the Indians, \* \* \* and the Big Door returned the compliment which was soon followed by a 'talk' and a belt of wampum."

In agreement with the "talk" sealed by the belt of wampum the great chief remained faithful to the American cause and became the ally of the Americans to very great purpose. Had it not been for his fidelity history might have to be written in other way.

Returning to Kaskaskia Father Gibault made a full report of proceedings and to keep the record straight directed Doctor Laffont to prepare and sign a document as follows:

Kaskaskia, August 7, 1778.

"I cannot but approve that which Mr. Gibault said in the contents of his journal (even) if he did omit some historical truths which might have been worthy of narration. What he said is pure truth. All that he has begged me to add and which he will tell you and asked me to present and which he forgot is, that in all civil affairs, not only with the French but with the savages, he meddled with nothing, because he was not ordered to do so and it was opposed to his priestly vocation; and that I alone had the direction of affairs, he having confined himself toward both (the whites and the Indians), solely to exhortation tending toward peace and union and to the prevention of bloodshed; and so, Sir, for the temporal affairs with which I alone was entrusted, I hope to derive from it all possible satisfaction, for I acted in all things with inviolable integrity. My zeal and my sincerity persuade me, that you will have Sir, the kindness to accept the good wishes which I have the honor to offer you, and believe me, with a most respectful regard, Sir,

Your very humble and obedient servant,

LIAFFONT.

Kaskaskia, August 7, 1778.



With this modest letter Jean Baptist Laffont, medical practitioner in Illinois before and during the Revolutionary War makes his bow to history and so far as I have seen is not again mentioned. Like his noble pastor and mentor, Father Gibault, he has never received the slightest honor or reward, publicly or privately, and like the great patriot priest even his grave is unknown. The achievements of these few men resulted in the northern boundary of our country being fixed at the great lakes instead of at the Ohio river, when the treaty was signed, thus gaining for America all the territory embraced in the great sovereign states of Ohio, Indiana, Illinois, Michigan and Wisconsin.

Were I physician I would never rest content until this worthy doctor of Revolutionary fame was suitably memorialized and his memory rescued from oblivion.

#### LEADING THE STATEHOOD MOVEMENT

As a result of the conquest just described the territory of the Northwest was formed in time and under the famous Ordinance of 1787 the inhabitants of Illinois were made subject to the government of that territory the seat of which was located at St. Marys, Ohio, although that region was not settled for one hundred years after Illinois. In turn the Territory of Indiana was created and Illinois was made the tail of the Indiana Kite. In 1809 the Territory of Illinois was finally created and governed as a territory. Patriotic men who had long dwelt in Illinois, the oldest part of all the Northwest Territory, were impatient for self-government and many of the most worthy were eager to suppress the slavery evil that existed in the face of the inhibitions of the Ordinance of 1787. Amongst the most effective of such men was Doctor William Bradsby. In the Territorial legislature he was the father of the bill introduced to repeal the indenture laws that had been enacted for the purpose of evading the provisions forbidding slavery and he was a signer of the famous address against slavery that was the forerunner of all the antislavery agitation. Hark back now to Abraham Lincoln, and back to Owen Lovejoy and back farther to Edward Coles, all honored as the great abolitionists; but fifty years before Lincoln and Lovejoy and twenty-five years before Coles was William Bradsby, M. D., the uncompromising foe of slavery. His record of patriotism and statesmanship does not conclude with his splendid anti-slavery work. He is for Illinois, self-governed, independent and a sovereign State of the Union. Accordingly, without heeding longer the cries for delay or the strong

opposition he introduced and pressed the resolution which made Illinois a State.

Now, who has heard of Dr. Bradsby? It is quite probable that no reader of this journal ever heard his name pronounced nor ever saw it in print. Bradsby was of Irish extraction. His sterling old father of the same name was settled in Illinois before the Revolutionary War and young Bradsby started his career as a school teacher. No man of early Illinois stood higher in the estimation of his contemporaries and but few have to their credit as many meritorious achievements.

I mention here but two illustrious pioneers of the medical profession. There were many others.

JOSEPH J. THOMPSON.

*Chicago.*

\* \* \*

#### DIAMOND JUBILEE OF REV. CONSTANTINE J. LAGAE, S. J.

1864 - 1924

To a few it is given to spend fifty years in the service of the altar and be granted the blessed privilege of celebrating a golden jubilee, but it is rare that a religious lives to greet the diamond dawn of a day that marks the sixtieth year of a life of consecrated self immolation. In Holy Family Church, on Sunday, September 28, Rev. Constantine J. Lagae, S. J., celebrated the diamond jubilee of his entrance into the Society of Jesus. The venerable Jubilarian was born at Roulers in Belgium on January 12, 1841, and made his early studies there. Twenty-three years later he entered the Jesuit Novitiate at Tronchiennes. When the great Indian missionary, Father DeSmet, went to Belgium seeking recruits for the American missions, the young novice eagerly offered himself for the work; he came to the United States with Father DeSmet and was sent to Florissant, Missouri, where he spent three years completing his novitiate training and preparing himself for teaching, in the Jesuit Normal School. Thence he went to Cincinnati, Ohio, and took up the duties of Professor in St. Xavier's College. In 1870 he went to Woodstock, Maryland, to study Philosophy and Theology and in 1875 was ordained to the Priesthood. From 1877 to 1879 he was engaged in the duties of teaching and of the ministry and in 1880 was made a member of Father Damen's mission band. He spent five arduous years on the missions and is remembered still by many as an impressive and zealous

preacher. From 1885 and 1894 he was one of the pastors of Holy Family Church and while here directed the Married Ladies' Sodality, running its membership up close to the three thousand mark, and setting a standard of a sodality that has never been excelled. From 1895 to 1896 he was pastor of Holy Family Church, Omaha, and from there he was sent to St. Charles, Missouri, where for fourteen years, he labored as pastor of St. Charles Church. He returned to Holy Family Church in 1911, where his genial priestliness is still a telling factor in the parish. Father Lagae would resent fulsome praise; he has spent sixty diamond years in the service of the Master solely for love of Him knowing that He who seeth in secret will reward him, hence would take no pleasure in words of human commendation, so we hope and pray that God may grant him many years among us, years like the past that have been rich in the example of a saintly priest and faithful religious.



# ILLINOIS CATHOLIC HISTORICAL REVIEW

VOLUME VII

JANUARY, 1925

NUMBER 3



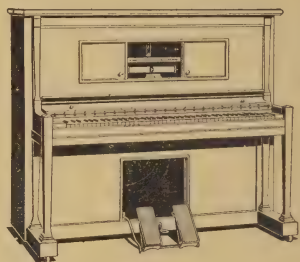
James Marquette, S.J. — 250th Anniversary



No player piano is better able to express  
the charm of music than the

**SCHULZ.**

From a musical and artistic stand-  
point, it challenges comparison.



Made entirely and exclusively in the factories of

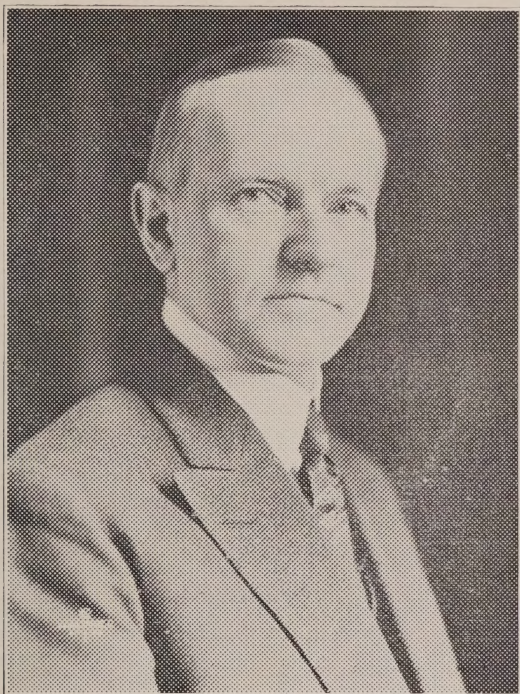
**M. SCHULZ CO.**

(Established 1869)

Offices and Salesrooms:

711 Milwaukee Avenue, Chicago, Ill.





CALVIN COOLIDGE

President of the United States

IN TRIBUTE TO FATHER MARQUETTE

To the thoughtfulness of a Chicago friend I am indebted for the reminder that on this day 250 years ago, Father Marquette and his companions began to erect the first hut to be used by white men on the site of what is now Chicago. I like to think of that as the founding of Chicago. I like to feel that this great city owes its beginning to the master explorer who was first a devout missionary of religion.

I am glad to turn aside here to add my little part to the tribute which the city is today paying to the memory of Marquette. Of the men who laid the foundations of our country he deserves his place among the foremost. His published articles and letters give, I believe, the earliest prophecies of the destiny that awaited this central valley of the vast lakes and rivers.

You people of the Chicago empire have built into the solid structure of accomplishment the things which he a quarter of a millenium ago saw with the clearness and faith of prophecy.

[From Presidents' address at luncheon of Chicago Commercial Club at the Drake Hotel, Chicago, December 4th, 1924.]



OFFICE OF THE MAYOR, CITY OF CHICAGO

WILLIAM E. DEVER, Mayor

PROCLAMATION

WHEREAS, The City Council of the City of Chicago at its regular assembly on the 3rd day of December, 1924, unanimously adopted the following preamble and resolutions:

“TO THE HONORABLE THE MAYOR AND CITY COUNCIL OF  
THE CITY OF CHICAGO

WHEREAS, the fourth day of December, 1924, marks the two-hundred and fiftieth anniversary of the commencement of the residence of the first white men on the site of the city of Chicago, and

WHEREAS, Rev. James Marquette, S. J., recorded in his journal, written in the years 1674 and 1675, under date of December 4th and later dates the following facts:

‘Dec. 4. We reached the river of the Portage (Chicago River) which was frozen to the depth of one-half foot\*\*\*.

Dec. 12. We began yesterday to haul our baggage in order to approach the portage\*\*\*. During our stay at the entrance of the river, Pierre and Jacques killed three cattle and four deer\*\*\*. We contented ourselves with killing three or four turkeys out of the many that came around our cabin\*\*\*.

Dec. 14. Having encamped near the Portage, two leagues up the river, we resolved to winter there.

Mar. 30. My illness did not prevent me from practicing religious devotions every day.

Mar. 31. We started yesterday and traveled three leagues up the river\*\*\*.’ And,

WHEREAS, this residence of the first white men is one of the most important events in the history of Chicago, making known as it did the site which was to be the future metropolis, and

WHEREAS, the residence of Father Marquette was not only the first habitation of white men but also the first place of Christian worship on soil which became the site of Chicago, therefore

BE IT RESOLVED, by the City Council of the City of Chicago, the Mayor concurring herein, that in honor of the memory of James Marquette and in commemoration of his sojourn on the site of Chicago and his religious ministration here, that the fourth day of December be and the same is hereby named and designated as ‘Marquette Day,’ and that suitable ceremonies and exercises be and are hereby recommended for that day as a commemoration of the signal events of Chicago’s beginnings.”

(Resolution adopted by the City Council, December 3, 1924. Edward J. Padden, Chief Clerk.)

Accordingly by virtue of the power and authority vested in me as Mayor of the City of Chicago, I hereby proclaim the 4th day of December in each year as “Marquette Day” to be observed and celebrated in accordance with the terms of the foregoing preamble and resolutions so adopted by the City Council of Chicago.

Done at the office of the Mayor, in the City of Chicago, this 4th day of December, 1924.

(Signed) WILLIAM E. DEVER,  
Mayor.

1127  
**FOR REFERENCE**

---

**NOT TO BE TAKEN FROM THIS ROOM**

**PERIODICAL ROOM  
COPY**

**BOSTON COLLEGE LIBRARY**

**UNIVERSITY HEIGHTS  
CHESTNUT HILL, MASS.**

Books may be kept for two weeks and may be renewed for the same period, unless reserved.

Two cents a day is charged for each book kept overtime.

If you cannot find what you want, ask the Librarian who will be glad to help you.

The borrower is responsible for books drawn on his card and for all fines accruing on the same.





